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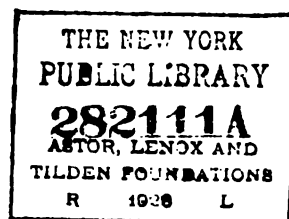
CONSTITUTION OF THE UNITED STATES,
JEFFERSON'S MANUAL,
THE RULES OF THE HOUSE OF REPRESENTATIVES OF
THE FIFTY-SIXTH CONGRESS,
AND
A DIGEST AND MANUAL
OF THE
RULES AND PRACTICE
OF THE
HOUSE OF REPRESENTATIVES
OF
THE UNITED STATES.

PREPARED BY

ASHER C. HINDS,

Pursuant to a resolution of the House passed December 16, 1899,
First Session, Fifty-sixth Congress.

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P R E F A C E.

The authority for the ordinary procedure of the House of Representatives is derived from four sources: First, the Constitution; second, the Rules adopted by the House under authority given by the Constitution; third, those principles of Jefferson's Manual which do not conflict with the rules; and fourth, the precedents of the House itself, comprising chiefly the decisions of the Chair. In certain cases, also, the House is governed by provisions of the statutes, but these are few and do not affect the ordinary procedure. Before the House has adopted rules the general parliamentary law of the land is recognized as the authority for procedure, and even after the adoption of rules it has been invoked in rare instances where the law of the House has been silent.

This edition contains the Constitution, the Manual, and the Rules, with the special indexes to each. In addition the Digest of Precedents contains references to the other three sources of authority and to the statutes, making it in effect an index as well as a digest of the whole field of the House's procedure. In preparing this Digest an effort has been made to have each topic as complete as possible, cross references being generally avoided. Each citation is accompanied by references to the sources of authority, generally the Journal and Congressional Record, and in addition there has been included in parenthesis the number indicating the section of the "Parliamentary Precedents of the House of Representatives," which treats of the subject. References to statutes and other authorities, which are used rarely, are brief, and the largest portion of the Digest is devoted to those topics which the member needs to consult often and with expedition during the proceedings of the House.

A. C. H.

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CONSTITUTION OF THE UNITED STATES—1787.*

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

Chisholm v. Georgia, 2 Dall., 419; *McCulloch v. State of Maryland et al.*, 4 Wh., 316; *Brown et als. v. Maryland*, 12 Wh., 419; *Barron v. The Mayor and City Council of Baltimore*, 7 Pet., 243; *Lane County v. Oregon*, 7 Wall., 71; *Texas v. White et al.*, 7 Wall., 700.

ARTICLE. I. .

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Hayburn's case (notes), 2 Dall., 409.

SECTION. 2. ¹The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

* In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several

²No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1789. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

³*[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Veazie Bank v. Fenno, 8 Wall., 533; *Scholey v. Rew*, 23 Wall., 331.

⁴When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

⁵The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. ¹The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

²Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Ex-

*The clause included in brackets is amended by the 14th amendment, 2d section, p. p. 30, 31.

piration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

³ No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

⁴ The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

⁵ The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

⁶ The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

⁷ Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. ¹ The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Ex parte Siebold, 100 U. S., 371; Ex parte Yarborough, 110 U. S., 651.

²The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. ¹Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

United States *v.* Ballin, 146 U. S., 1.

²Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Anderson *v.* Dunn, 6 Wh., 204; Kilbourn *v.* Thompson, 103 U. S., 168.

³Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Field *v.* Clark, 143 U. S., 649.

⁴Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. ¹The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Cox *v.* M'Clenachan, 3 Dall., 478.

²No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority

of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. ¹All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

² Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

³ Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power ¹To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States;

Hylton v. United States, 3 Dall., 171; *McCulloch v. State of Maryland*, 4 Wh., 316; *Loughborough v. Blake*, 5 Wh., 317; *Osborn v. Bank of the United States*, 9 Wh., 738; *Weston et al. v. City Council of Charleston*, 2 Pet., 449; *Dobbins v. The Commissioners of Erie County*, 16 Pet., 435; *License Cases*, 5 How., 504; *Cooley v. Board of Wardens of Port of Philadelphia et al.*, 12 How., 299; *McGuire v. The Commonwealth*, 3 Wall., 387; *Van Allen v. The Assessors*, 3 Wall., 573; *Bradley v. The People*, 4 Wall., 459. License Tax Cases, 5 Wall., 462; *Pervear v. The Commonwealth*, 5 Wall., 475; *Woodruff v. Parham*, 8 Wall., 123; *Hinson v. Lott*, 8 Wall., 148; *Veazie Bank v. Fenno*, 8 Wall., 533; *The Collector v. Day*, 11 Wall., 113; *United States v. Singer*, 15 Wall., 111; *State tax on foreign-held bonds*, 15 Wall., 300; *United States v. Railroad Company*, 17 Wall., 322; *Railroad Company v. Peniston*, 18 Wall., 5; *Scholey v. Rew*, 23 Wall., 331; *Springer v. United States*, 102 U. S., 586; *Legal Tender case*, 110 U. S., 421.

²To borrow Money on the credit of the United States;

McCulloch v. The State of Maryland, 4 Wh., 316; *Weston et al. v. The City Council of Charleston*, 2 Pet., 449; *Bank of Commerce v. New York City*, 2 Black, 620; *Bank Tax Cases*, 2 Wall., 200; *The Bank v. The Mayor*, 7 Wall., 16; *Bank v. Supervisors*, 7 Wall., 26; *Hepburn v. Griswold*, 8 Wall., 603; *National Bank v. Commonwealth*, 9 Wall., 353; *Parker v. Davis*, 12 Wall., 457; *Legal Tender case*, 110 U. S., 421.

³To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Gibbons v. Ogden, 9 Wh., 1; *Brown et als. v. State of Maryland*, 12 Wh., 419; *Wilson et al. v. Black Bird Creek Marsh Company*, 2 Pet., 245; *Worcester v. The State of Georgia*, 6 Pet., 515; *City of New York v. Miln*, 11 Pet., 102; *United States v. Coombs*, 12 Pet., 72; *Holmes v. Jennison et al.*, 14 Pet., 540; *License Cases*, 5 How., 504; *Passenger Cases*, 7 How., 283; *Nathan v. Louisiana*, 8 How., 73; *Mager v. Grima et al.*, 8 How., 490; *United States v. Marigold*, 9 How., 560; *Cowley v. Board of Wardens of Port of Philadelphia*, 12 How., 299; *The Propeller Genesee Chief et al. v. Fitzhugh et al.*, 12 How., 443; *State of Pennsylvania v. The Wheeling Bridge Company*, 13 How., 518; *Veazie et al. v. Moor*, 14 How., 568; *Smith v. State of Maryland*, 18 How., 71; *State of Pennsylvania v. The Wheeling and Belmont Bridge Company et al.*, 18 How., 421; *Sinnitt v. Davenport*, 22 How., 227; *Foster et al. v. Davenport et al.*, 22 How., 244; *Conway et al. v. Taylor's ex.*, 1 Black, 603; *United States v. Holliday*, 3 Wall., 407; *Gilman v. Philadelphia*, 3 Wall., 713; *The Passaic Bridges*, 3 Wall., 782; *Steamship Company v. Port Wardens*, 6 Wall., 31; *Crandall v. State of Nevada*, 6 Wall., 35; *White's Bank v. Smith*, 7 Wall., 646; *Waring v. The Mayor*, 8 Wall., 110; *Paul v. Virginia*, 8 Wall., 168; *Thomson v. Pacific Railroad*, 9

Wall., 579; *Downham et al. v. Alexandria Council*, 10 Wall., 173; *The Clinton Bridge*, 10 Wall., 454; *The Daniel Ball*, 10 Wall., 557; *Liverpool Insurance Company v. Massachusetts*, 10 Wall., 566; *The Montello*, 11 Wall., 411; *Ex parte McNeil*, 13 Wall., 236; *State freight-tax*, 15 Wall., 232; *State tax on railway gross receipts*, 15 Wall., 284; *Osborn v. Mobile*, 16 Wall., 479; *Railroad Company v. Fuller*, 17 Wall., 560; *Bartemeyer v. Iowa*, 18 Wall., 129; *The Delaware railroad tax*, 18 Wall., 206; *Peete v. Morgan*, 19 Wall., 581; *Railroad Company v. Richmond*, 19 Wall., 584; *Railroad Company v. Maryland*, 21 Wall., 456; *The Lottawanna*, 21 Wall., 558; *Henderson et al. v. The Mayor of the City of New York*, 92 U. S., 259; *Chy Lung v. Freeman et al.*, 92 U. S., 275; *South Carolina v. Georgia et al.*, 93 U. S., 4; *Sherlock et al. v. Alling, adm.*, 93 U. S., 99; *United States v. Forty-three Gallons of Whisky, etc.*, 93 U. S., 188; *Foster v. Master and Wardens of the Port of New Orleans*, 94 U. S., 246; *Railroad Co. v. Husen*, 95 U. S., 465; *Pensacola Tel. Co. v. W. U. Tel. Co.*, 96 U. S., 1; *Beer Co. v. Massachusetts*, 97 U. S., 25; *Cook v. Pennsylvania*, 97 U. S., 566; *Packet Co. v. St. Louis*, 100 U. S., 423; *Wilson v. McNamee*, 102 U. S., 572.

⁴To establish an uniform Rule of Naturalization,¹ and uniform Laws on the subject of Bankruptcies throughout the United States;²

¹ *Sturges v. Crowningshield*, 4 Wh., 122; ² *McMillan v. McNeil*, 4 Wh., 209; ³ *Farmers and Mechanics' Bank, Pennsylvania, v. Smith*, 6 Wh., 131; ⁴ *Ogden v. Saunders*, 12 Wh., 213; ⁵ *Boyle v. Zacharie and Turner*, 6 Pet., 348; ⁶ *Gassies v. Ballon*, 6 Pet., 761; ⁷ *Beers et al. v. Haughton*, 9 Pet., 329; ⁸ *Suydam et al. v. Broadnax*, 14 Pet., 67; ⁹ *Cook v. Moffat et al.*, 5 How., 295; ¹ *Dred Scott v. Sanford*, 19 How., 393.

⁵To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Briscoe v. The Bank of the Commonwealth of Kentucky, 11 Pet., 257; *Fox v. The State of Ohio*, 5 How., 410; *United States v. Marigold*, 9 How., 560.

⁶To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Fox v. The State of Ohio, 5 How., 410; *United States v. Marigold*, 9 How., 560.

⁷To establish Post Offices and post Roads;

State of Pennsylvania v. The Wheeling and Belmont Bridge Company, 18 How., 421.

⁸To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Grant et al. v. Raymond, 6 Pet., 218; *Wheaton et als. v. Peters et als.*, 8 Pet., 591.

⁹ To constitute Tribunals inferior to the supreme Court;

¹⁰ To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

United States *v.* Palmer, 3 Wh., 610; United States *v.* Wiltberger, 5 Wh., 76; United States *v.* Smith, 5 Wh., 153; United States *v.* Pirates, 5 Wh., 184.

¹¹ To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Brown *v.* United States, 8 Cr., 110; American Insurance Company *et al.* *v.* Canter (336 bales cotton), 1 Pet., 511; Mrs. Alexander's cotton, 2 Wall., 404; Miller *v.* United States, 11 Wall., 268; Tyler *v.* Defrees, 11 Wall., 331; Stewart *v.* Kahn, 11 Wall., 493; Hamilton *v.* Dillin, 21 Wall., 73; Lamar, *ex. v.* Browne *et al.*, 92 U. S., 187.

¹² To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Crandall *v.* State of Nevada, 6 Wall., 35.

¹³ To provide and maintain a Navy;

United States *v.* Bevans, 3 Wh., 336; Dynes *v.* Hoover, 20 How., 65.

¹⁴ To make Rules for the Government and Regulation of the land and naval Forces;

¹⁵ To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1; Crandall *v.* State of Nevada, 6 Wall., 35; Texas *v.* White, 7 Wall., 700.

¹⁶ To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1.

¹⁷ To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession

Wall., 579; *Downham et al. v. Alexandria Council*, 10 Wall., 173; *The Clinton Bridge*, 10 Wall., 454; *The Daniel Ball*, 10 Wall., 557; *Liverpool Insurance Company v. Massachusetts*, 10 Wall., 566; *The Montello*, 11 Wall., 411; *Ex parte McNeil*, 13 Wall., 236; *State freight-tax*, 15 Wall., 232; *State tax on railway gross receipts*, 15 Wall., 284; *Osborn v. Mobile*, 16 Wall., 479; *Railroad Company v. Fuller*, 17 Wall., 560; *Bartemeyer v. Iowa*, 18 Wall., 129; *The Delaware railroad tax*, 18 Wall., 206; *Peete v. Morgan*, 19 Wall., 581; *Railroad Company v. Richmond*, 19 Wall., 584; *Railroad Company v. Maryland*, 21 Wall., 456; *The Lottawanna*, 21 Wall., 558; *Henderson et al. v. The Mayor of the City of New York*, 92 U. S., 259; *Chy Lung v. Freeman et al.*, 92 U. S., 275; *South Carolina v. Georgia et al.*, 93 U. S., 4; *Sherlock et al. v. Alling, adm.*, 93 U. S., 99; *United States v. Forty-three Gallons of Whisky, etc.*, 93 U. S., 188; *Foster v. Master and Wardens of the Port of New Orleans*, 94 U. S., 246; *Railroad Co. v. Husen*, 95 U. S., 465; *Pensacola Tel. Co. v. W. U. Tel. Co.*, 96 U. S., 1; *Beer Co. v. Massachusetts*, 97 U. S., 25; *Cook v. Pennsylvania*, 97 U. S., 566; *Packet Co. v. St. Louis*, 100 U. S., 423; *Wilson v. McNamee*, 102 U. S., 572.

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¹⁴ To make Rules for the Government and Regulation of the land and naval Forces ;

¹⁵ To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1; Crandall *v.* State of Nevada, 6 Wall., 35; Texas *v.* White, 7 Wall., 700.

¹⁶ To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress ;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1.

¹⁷ To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession

of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—
And

Hepburn et al. *v.* Ellzey, 2 Cr., 444; Loughborough *v.* Blake, 5 Wh., 317; Cohens *v.* Virginia, 6 Wh., 264; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Kendall, Postmaster-General, *v.* The United States, 12 Pet., 524; United States *v.* Dewitt, 9 Wall., 41; Dunphy *v.* Kleinsmith et al., 11 Wall., 610; Willard *v.* Presbury, 14 Wall., 676; Phillips *v.* Payne, 92 U. S., 130; United States *v.* Fox, 94 U. S., 315; National Bank *v.* Yankton County, 101 U. S., 129.

¹⁸To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

McCulloch *v.* The State of Maryland, 4 Wh., 316; Wayman *v.* Southard, 10 Wh., 1; Bank of United States *v.* Halstead, 10 Wh., 51; Hepburn *v.* Griswold, 8 Wall., 603; National Bank *v.* Commonwealth, 9 Wall., 353; Thomson *v.* Pacific Railroad, 9 Wall., 579; Parker *v.* Davis, 12 Wall., 457; Railroad Company *v.* Johnson, 15 Wall., 195; Railroad Company *v.* Peniston, 18 Wall., 5; Legal Tender case, 110 U. S., 421.

SECTION. 9. 'The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Dred Scott *v.* Sanford, 19 How., 393.

²The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

United States *v.* Hamilton, 3 Dall., 17; Hepburn et al. *v.* Ellzey, 2 Cr., 445; Ex parte Bollman and Swartwout, 4 Cr., 75; Ex parte Kearney, 7 Wh., 38; Ex parte Tobias Watkins, 3 Pet., 192; Ex parte Milburn, 9 Pet., 704; Holmes *v.* Jennison et al., 14 Pet., 540; Ex parte Dorr, 3 How., 103; Luther *v.* Borden, 7 How., 1; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Ex parte Vallandigham, 1 Wall., 243; Ex parte

Mulligan, 4 Wall., 2; Ex parte McCordle, 7 Wall., 506; Ex parte Yerger, 8 Wall., 85; Tarble's case, 13 Wall., 397; Ex parte Lange, 18 Wall., 163; Ex parte Parks, 93 U. S., 18; Ex parte Karstendick, 93 U. S., 396; Ex parte Virginia, 100 U. S., 339.

³ No Bill of Attainder or ex post facto Law shall be passed.

Fletcher v. Peck, 6 Cr., 87; Ogden v. Saunders, 12 Wh., 213; Watson et al. v. Mercer, 8 Pet., 88; Carpenter et al. v. Commonwealth of Pennsylvania, 17 How., 456; Locke v. New Orleans, 4 Wall., 172; Cummings v. the State of Missouri, 4 Wall., 277; Ex parte Garland, 4 Wall., 333; Drehman v. Stifle, 8 Wall., 595; Klinger v. State of Missouri, 13 Wall., 257; Pierce v. Carskadon, 16 Wall., 234.

⁴ No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

License Tax Cases, 5 Wall., 462; Springer v. United States, 102 U. S., 586.

⁵ No Tax or Duty shall be laid on Articles exported from any State.

Cooley v. Board of Wardens of Port of Philadelphia, 12 How., 299; Page v. Burgess, collector, 92 U. S., 372.

⁶ No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

Cooley v. Board of Wardens of Port of Philadelphia et al., 12 How., 299; State of Pennsylvania v. Wheeling and Belmont Bridge Company et al., 18 How., 421; Munn v. Illinois, 94 U. S., 113; Packet Co. v. St. Louis, 100 U. S., 413; Packet Co. v. Catlettsburg, 105 U. S., 559.

⁷ No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

⁸ No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. ¹ No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money;

emit Bills of Credit;¹ make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,² or Law impairing the Obligation of Contracts,³ or grant any Title of Nobility.

¹Calder and wife v. Bull and wife, 3 Dall., 386; ²Fletcher v. Peck, 6 Cr., 87; ³State of New Jersey v. Wilson, 7 Cr., 164; ⁴Sturgis v. Crowningshield, 4 Wh., 122; ⁵McMillan v. McNeil, 4 Wh., 209; ⁶Dartmouth College v. Woodward, 4 Wh., 518; ⁷Owings v. Speed, 5 Wh., 420; ⁸Farmers and Mechanics' Bank v. Smith, 6 Wh., 131; ⁹Green et al. v. Biddle, 8 Wh., 1; ¹⁰Ogden v. Saunders, 12 Wh., 213; ¹¹Mason v. Haile, 12 Wh., 370; ¹²Satterlee v. Matthewson, 2 Pet., 380; ¹³Hart v. Lamphire, 3 Pet., 280; ¹⁴Craig et al. v. State of Missouri, 4 Pet., 410; ¹⁵Providence Bank v. Billings and Pitman, 4 Pet., 514; ¹⁶Byrne v. State of Missouri, 8 Pet., 40; ¹⁷Watson v. Mercer, 8 Pet., 88; ¹⁸Mumma v. Potomac Company, 8 Pet., 281; ¹⁹Beers v. Houghton, 9 Pet., 329; ²⁰Briscoe et al. v. The Bank of the Commonwealth of Kentucky, 11 Pet., 257; ²¹The Proprietors of Charles River Bridge v. The Proprietors of Warren Bridge, 11 Pet., 420; ²²Armstrong v. The Treasurer of Athens Company, 16 Pet., 281; ²³Bronson v. Kinzie et al., 1 How., 311; ²⁴McCracken v. Hayward, 2 How., 608; ²⁵Gordon v. Appeal Tax Court, 3 How., 133; ²⁶State of Maryland v. Baltimore and Ohio R. R. Co., 3 How., 534; ²⁷Neil, Moore & Co. v. State of Ohio, 3 How., 720; ²⁸Cook v. Moffatt, 5 How., 295; ²⁹Planters' Bank v. Sharp et al., 6 How., 301; ³⁰West River Bridge Company v. Dix et al., 6 How., 507; ³¹Crawford et al. v. Branch Bank of Mobile, 7 How., 279; ³²Woodruff v. Trapnall, 10 How., 190; ³³Paup et al. v. Drew, 10 How., 218; ³⁴Baltimore and Susquehanna R. R. Co. v. Nesbitt et al., 10 How., 395; ³⁵Butler et al. v. Pennsylvania, 10 How., 402; ³⁶Darrington et al. v. the Bank of Alabama, 13 How., 12; ³⁷Richmond, &c., R. R. Co. v. The Louise R. R. Co., 13 How., 71; ³⁸Trustees for Vincennes University v. State of Indiana, 14 How., 268; ³⁹Curran v. State of Arkansas et al., 15 How., 304; ⁴⁰State Bank of Ohio v. Knoop, 16 How., 369; ⁴¹Carpenter et al. v. Commonwealth of Pennsylvania, 17 How., 456; ⁴²Dodge v. Woolsey, 18 How., 331; ⁴³Beers v. State of Arkansas, 20 How., 527; ⁴⁴Aspinwall et al. v. Commissioners of County of Daviess, 22 How., 364; ⁴⁵Rector of Christ Church, Philadelphia, v. County of Philadelphia, 24 How., 300; ⁴⁶Howard v. Bugbee, 24 How., 461; ⁴⁷Jefferson Branch Bank v. Skelley, 1 Black, 436; ⁴⁸Franklin Branch Bank v. State of Ohio, 1 Black, 474; ⁴⁹Trustees of the Wabash and Erie Canal Company v. Beers, 2 Black, 448; ⁵⁰Gilman v. City of Sheboygan, 2 Black, 510; ⁵¹Bridge Proprietors v. Hoboken Company, 1 Wall., 116; ⁵²Hawthorne v. Calef, 2 Wall., 10; ⁵³The Binghamton Bridge, 3 Wall., 51; ⁵⁴The Turnpike Company v. The State, 3 Wall., 210; ⁵⁵Locke v. City of New Orleans, 4 Wall., 172; ⁵⁶Railroad Company v. Rock, 4 Wall., 177; ⁵⁷Cummings v. State of Missouri, 4 Wall., 277; ⁵⁸Ex parte Garland, 4 Wall., 333; ⁵⁹Von Hoffman v. City of Quincy, 4 Wall., 535; ⁶⁰Mulligan v. Corbin, 7 Wall., 487; ⁶¹Furman v. Nichol, 8 Wall., 44; ⁶²Home of the Friendless v. Rouse, 8 Wall., 430; ⁶³The Washington University v. Rouse, 8 Wall., 439; ⁶⁴Butz v. City of Muscatine, 8 Wall., 575; ⁶⁵Drehman v. Stifle, 8 Wall., 595; ⁶⁶Hepburn v. Griswold, 8 Wall., 603; ⁶⁷Gut v. The State, 9 Wall., 35; ⁶⁸Railroad Company v. McClure, 10 Wall., 511; ⁶⁹Parker v. Davis, 12

Wall., 457; ³Curtis v. Whiting, 13 Wall., 68; ³Pennsylvania College Cases, 13 Wall., 190; ³Wilmington R. R. v. Reid, sheriff, 13 Wall., 264; ³Salt Company v. East Saginaw, 13 Wall., 373; ³White v. Hart, 13 Wall., 646; ³Osborn v. Nicholson et al., 13 Wall., 654; ³Railroad Company v. Johnson, 15 Wall., 195; ³Case of the State tax on foreign-held bonds, 15 Wall., 300; ³Tomlinson v. Jessup, 15 Wall., 454; ³Tomlinson v. Branch, 15 Wall., 460; ³Miller v. The State, 15 Wall., 478; ³Holyoke Company v. Lyman, 15 Wall., 500; ³Gunn v. Barry, 15 Wall., 610; ³Humphrey v. Pegues, 16 Wall., 244; ³Walker v. Whitehead, 16 Wall., 314; ³Sohn v. Waterson, 17 Wall., 596; ³Barings v. Dabney, 19 Wall., 1; ³Head v. The University, 19 Wall., 526; ³Pacific R. R. Co. v. Maguire, 20 Wall., 36; ³Garrison v. The City of New York, 21 Wall., 196; ³Ochiltree v. The Railroad Company, 21 Wall., 249; ³Wilmington, &c., Railroad v. King, ex., 91 U. S., 3; ³County of Moultrie v. Rockingham Ten Cent Savings Bank, 92 U. S., 631; ³Home Insurance Company v. City Council of Augusta, 93 U. S., 116; ³West Wisconsin R. R. Co. v. Supervisors, 93 U. S., 595; Murray v. Charleston, 96 U. S., 432; Edwards v. Kearzey, 96 U. S., 595; Keith v. Clark, 97 U. S., 454; Railroad Co. v. Georgia, 98 U. S., 359; Railroad Co. v. Tennessee, 101 U. S., 337; Wright v. Nagle, 101 U. S., 791; Stone v. Mississippi, 101 U. S., 814; Railroad Co. v. Alabama, 101 U. S., 832; Louisiana v. New Orleans, 101 U. S., 203; Hall v. Wisconsin, 103 U. S., 5; Pennymen's case, 103 U. S., 714; Guaranty Co. v. Board of Liquidation, 105 U. S., 622; Greenwood v. Freight Co., 105 U. S., 13; Kring v. Missouri, 107 U. S., 221; Louisiana v. New Orleans, 109 U. S., 285; Gilfillan v. Union Canal Co., 109 U. S., 401; Nelson v. St. Martin's Parish, 111 U. S., 716.

* No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

McCulloch v. State of Maryland, 4 Wh., 316; Gibbons v. Ogden, 9 Wh., 1; Brown v. The State of Maryland, 12 Wh., 419; Mager v. Grima et al., 8 How., 490; Cooley v. Board of Wardens of Port of Philadelphia et al., 12 How., 299; Almy v. State of California, 24 How., 169; License Tax Cases, 5 Wall., 462; Crandall v. State of Nevada, 6 Wall., 35; Waring v. The Mayor, 8 Wall., 110; Woodruff v. Perham, 8 Wall., 123; Hinson v. Lott, 8 Wall., 148; State Tonnage Tax Cases, 12 Wall., 204; State tax on railway gross receipts, 15 Wall., 284; Inman Steamship Company v. Tinker, 94 U. S., 238; Cook v. Pennsylvania, 97 U. S., 566; Packet Co. v. Keokuk, 95, U. S., 80; People v. Compagnie Générale Transatlantique, 107 U. S., 59.

³ No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter

into an Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Green v. Biddle, 8 Wh., 1; *Poole et al. v. The Lessee of Fleeger et al.*, 11 Pet., 185; *Cooley v. Board of Wardens of Port of Philadelphia et al.*, 12 How., 299; *Peete v. Morgan*, 19 Wall., 581; *Cannon v. New Orleans*, 20 Wall., 577; *Inman Steamship Company v. Tinker*, 94 U. S., 238; *Packet Co. v. St. Louis*, 100 U. S., 423; *Packet Co. v. Keokuk*, 95 U. S., 80; *Vicksbury v. Tobin*, 100 U. S., 430; *Packet Co. v. Catlettsburg*, 105 U. S., 559.

ARTICLE. II.

SECTION. 1. ¹The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows :

²Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Chisholm, ex., v. Georgia, 2 Dall., 419; *Leitensdorfer et al. v. Webb*, 20 How., 176; *Ex parte Siebold*, 100 U. S., 271.

[“The electors shall meet in their respective States, and vote by ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members

from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.”]

This clause has been superseded by the twelfth amendment, p. 64.

³The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

⁴No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

English v. The Trustees of the Sailors' Snug Harbor, 3 Pet., 99.

⁵In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

⁶The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

⁷Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. 'The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

United States *v.* Wilson, 7 Pet., 150; *Ex parte* William Wells, 18 How., 307; *Ex parte* Garland, 4 Wall., 333; *Armstrong's Foundry*, 6 Wall., 766; *The Grape Shot*, 9 Wall., 129; *United States v. Padelford*, 9 Wall., 542; *United States v. Klein*, 13 Wall., 128; *Armstrong v. The United States*, 13 Wall., 152; *Pargoud v. The United States*, 13 Wall., 156; *Hamilton v. Dillin*, 21 Wall., 73; *Mechanics and Traders' Bank v. Union Bank*, 22 Wall., 276; *Lamar, ex. v. Browne et al.*, 92 U. S., 187; *Wallach et al. v. Van Riswick*, 92 U. S., 202.

²He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Ware v. Hylton et al., 3 Dall., 199; *Marbury v. Madison*, 1 Cr., 137; *United States v. Kirkpatrick*, 9 Wh., 720; *American Insurance Company v. Canter* (356 bales cotton), 1 Pet., 511; *Foster and Elam v. Neilson*, 2 Pet., 253; *Cherokee Nation v. State of Georgia*, 5 Pet., 1; *Patterson v. Gwinn et al.*, 5 Pet., 233; *Worcester v. State of Georgia*, 6 Pet., 515; *City of New Orleans v. De Armas et al.*, 9 Pet., 224; *Holden v. Joy*, 17 Wall., 211.

³The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

The United States v. Kirkpatrick et al., 9 Wh., 720.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Marbury v. Madison, 1 Cr., 137; *Kendall, Postmaster-General, v. The United States*, 12 Pet., 524; *Luther v. Borden*, 7 How., 1; *The State of Mississippi v. Johnson, President*, 4 Wall., 475; *Stewart v. Kahn*, 11 Wall., 493.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Chisholm, ex., v. Georgia, 2 Dall., 419; *Stuart v. Laird*, 1 Cr., 299; *United States v. Peters*, 5 Cr., 115; *Cohens v. Virginia*, 6 Cr., 264; *Martin v. Hunter's Lessee*, 1 Wh., 304; *Osborn v. United States Bank*, 9 Wh., 738; *Benner et al. v. Porter*, 9 How., 235; *The United States v. Ritchie*, 17 How., 525; *Murray's Lessee et. al. v. Hoboken Land and Improvement Company*, 18 How., 272; *Ex parte Vallandigham*, 1 Wall., 243; *Ames v. Kansas*, 111 U. S., 449.

SECTION. 2. ¹The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United

SECTION. 3. ¹Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

United States *v.* The Insurgents, 2 Dall., 335; United States *v.* Mitchell, 2 Dall., 348; Ex parte Bollman and Swartwout, 4 Cr., 75; United States *v.* Aaron Burr, 4 Cr., 469.

²The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Bigelow *v.* Forest, 9 Wall., 339; Day *v.* Micou, 18 Wall., 156; Ex parte Lange, 18 Wall., 163; Wallach et al. *v.* Van Riswick, 92 U. S., 202.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Mills *v.* Duryee, 7 Cr., 481; Hampton *v.* McConnel, 3 Wh., 234; Mayhew *v.* Thatcher, 6 Wh., 129; Darby's Lessee *v.* Mayer, 10 Wh., 465; The United States *v.* Amedy, 11 Wh., 392; Caldwell et al. *v.* Carrington's heirs, 9 Pet., 86; M'Elmoyle *v.* Cohen, 13 Pet., 312; The Bank of Augusta *v.* Earle, 13 Pet., 519; Bank of the State of Alabama *v.* Dalton, 9 How., 522; D'Arcy *v.* Ketchum, 11 How., 165; Christmas *v.* Russell, 5 Wall., 290; Green *v.* Van Buskirk, 7 Wall., 139; Paul *v.* Virginia, 8 Wall., 168; Board of Public Works *v.* Columbia College, 17 Wall., 521; Thompson *v.* Whitman, 18 Wall., 457; Bonaparte *v.* Tax Court, 104 U. S., 592.

SECTION. 2. ¹The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Bank of United States *v.* Devereux, 5 Cr., 61; Gassies *v.* Ballou, 6 Pet., 761; The State of Rhode Island *v.* The Commonwealth of Massachusetts, 12 Pet., 657; The Bank of Augusta *v.* Earle, 13 Pet., 519; Moore *v.* The People of the State of Illinois, 14 How., 13; Conner et al. *v.* Elliott et al., 18 How., 591; Dred Scott *v.* Sanford, 19 How., 393;

Crandall v. State of Nevada, 6 Wall., 35; *Woodruff v. Parham*, 8 Wall., 123; *Paul v. Virginia*, 8 Wall., 168; *Downham v. Alexandria Council*, 10 Wall., 173; *Liverpool Insurance Company v. Massachusetts*, 10 Wall., 566; *Ward v. Maryland*, 12 Wall., 418; *Slaughterhouse Cases*, 16 Wall., 36; *Bradwell v. The State*, 16 Wall., 130; *Chemung Bank v. Lowery*, 93 U. S., 72; *McCready v. Virginia*, 94 U. S., 391.

²A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

Holmes v. Jennison et al., 14 Pet., 540; *Commonwealth of Kentucky v. Dennison, governor*, 24 How., 66; *Taylor v. Tainter*, 16 Wall., 366.

³No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Prigg v. The Commonwealth of Pennsylvania, 16 Pet., 539; *Jones v. Van Zandt*, 5 How., 215; *Strader et al. v. Graham*, 10 How., 82; *Moore v. The People of the State of Illinois*, 14 How., 13; *Dred Scott v. Sanford*, 19 How., 393; *Ableman v. Booth and United States v. Booth*, 21 How., 506.

SECTION. 3. ¹New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

American Insurance Company et al. v. Canter (356 bales cotton), 1 Pet., 511; *Pollard's Lessee v. Hagan*, 3 How., 212; *Cross et al. v. Harrison*, 16 How., 164.

²The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution

shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

McCulloch v. State of Maryland, 4 Wh., 316; *American Insurance Company v. Canter*, 1 Pet., 511; *United States v. Gratiot et al.*, 14 Pet., 526; *United States v. Rogers*, 4 How., 567; *Cross et al. v. Harrison*, 16 How., 164; *Muckey et al. v. Cox*, 18 How., 100; *Gibson v. Chouteau*, 13 Wall., 92; *Clinton v. Englebert*, 13 Wall., 434; *Beall v. New Mexico*, 16 Wall., 535.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Luther v. Borden, 7 How., 1; *Texas v. White*, 7 Wall., 700.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

¹All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

²This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Hayburn's case, 2 Dall., 409; Ware v. Hylton, 3 Dall., 199; Calder and wife v. Bull and wife, 3 Dall., 386; Marbury v. Madison, 1 Cr., 137; Chirac v. Chirac, 2 Wh., 259; McCulloch v. The State of Maryland, 4 Wh., 316; Society v. New Haven, 8 Wh., 464; Gibbons v. Ogden, 9 Wh., 1; Foster and Elam v. Neilson, 2 Pet., 253; Buckner v. Finley, 2 Pet., 586; Worcester v. State of Georgia, 6 Pet., 515; Kennett et al. v. Chambers, 14 How., 38; Dodge v. Woolsey, 18 How., 331; State of New York v. Dibble, 21 How., 366; Ableman v. Booth and United States v. Booth, 21 How., 506; Sinnot v. Davenport, 22 How., 227; Foster v. Davenport, 22 How., 244; Haver v. Yaker, 9 Wall., 32.

³The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Ex parte Garland, 4 Wall., 333.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G^o WASHINGTON—

Presidt. and Deputy from Virginia

*Constitution.**New Hampshire.*

JOHN LANGDON,

NICHOLAS GILMAN.

Massachusetts.

NATHANIEL GORHAM,

RUFUS KING.

Connecticut.

WM. SAML. JOHNSON,

ROGER SHERMAN.

New York.

ALEXANDER HAMILTON.

New Jersey.

WIL: LIVINGSTON,

WM. PATERSON,

DAVID BREARLEY,

JONA. DAYTON.

Pennsylvania.

B. FRANKLIN,

THOMAS MIFFLIN,

ROBT. MORRIS,

GEO: CLYMER,

THO: FITZSIMONS,

JARED INGERSOLL,

JAMES WILSON,

GOUV: MORRIS.

Delaware.

GEO: READ,

GUNNING BEDFORD, Jun'r,

JOHN DICKINSON,

RICHARD BASSETT.

JACO: BROOM,

Maryland.

JAMES M'HENRY,

DAN: OF ST. THOS. JENIFER,

DANL CARROLL

Virginia.

JOHN BLAIR,

JAMES MADISON, Jr,

North Carolina.

WM. BLOUNT,

RICH'D DOBBS SPAIGHT,

HU. WILLIAMSON.

South Carolina.

J. RUTLEDGE,

CHARLES COTESWORTH PINCKNEY,

CHARLES PINCKNEY,

PIERCE BUTLER.

Georgia.

WILLIAM FEW,

ABR. BALDWIN.

Attest:

WILLIAM JACKSON, *Secretary.*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I.]*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Terret et al. v. Taylor et al., 9 Cr., 43; *Vidal et al. v. Girard et al.*, 2 How., 127; *Ex parte Garland*, 4 Wall., 333; *United States v. Cruikshank et al.*, 92 U. S., 542; *Reynolds v. United States*, 98 U. S., 145.

[ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be

* The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789. They were ratified by the following States, and the notifications of ratification by the governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791, and Virginia, December 15, 1791. There is no evidence on the journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Smith v. State of Maryland, 18 How., 71; *Murray's Lessee et al. v. Hoboken Land and Improvement Company*, 18 How., 272; *Ex parte Milligan*, 4 Wall., 2.

[ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States v. Perez, 9 Wh., 579; *Barron v. The City of Baltimore*, 7 Pet., 243; *Fox v. Ohio*, 5 How., 410; *West River Bridge Company v. Dix et al.*, 6 How., 507; *Mitchell v. Harmony*, 13 How., 115; *Moore, ex. v. The People of the State of Illinois*, 14 How., 13; *Murray's Lessee et al. v. Hoboken Land and Improvement Company*, 18 How., 272; *Dynes v. Hoover*, 20 How., 65; *Withers v. Buckley et al.*, 20 How., 84; *Gilman v. The City of Sheboygan*, 2 Black, 510; *Ex parte Milligan*, 4 Wall., 2; *Twitchell v. The Commonwealth*, 7 Wall., 321; *Hepburn v. Griswold*, 8 Wall., 603; *Miller v. United States*, 11 Wall., 268; *Legal Tender Cases*, 12 Wall., 457; *Pumpelly v. Green Bay Company*, 13 Wall., 166; *Osborn v. Nicholson*, 13 Wall., 654; *Ex parte Lange*, 18 Wall., 163; *Kohl et al. v. United States*, 91 U. S., 367.

[ARTICLE VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Wit-

nesses in his favor, and to have the Assistance of Counsel for his defence.

United States *v.* Cooleage, 1 Wh., 415; Ex parte Kearney, 7 Wh., 38; United States *v.* Mills, 7 Pet., 142; Barron *v.* City of Baltimore, 7 Pet., 243; Fox *v.* Ohio, 5 How., 410; Withers *v.* Buckley et al., 20 How., 84; Ex parte Milligan, 4 Wall., 2; Twitchell *v.* The Commonwealth, 7 Wall., 321; Miller *v.* The United States, 11 Wall., 268; United States *v.* Cook, 17 Wall., 168; United States *v.* Cruikshank et al., 92 U. S., 542.

[ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

United States *v.* La Vengeance, 3 Dall., 297; Bank of Columbia *v.* Oakley, 4 Wh., 235; Parsons *v.* Bedford et al., 3 Pet., 433; Lessee of Livingston *v.* Moore et al., 7 Pet., 469; Webster *v.* Reid, 11 How., 437; State of Pennsylvania *v.* The Wheeling, &c., Bridge Company et al., 13 How., 518; The Justices *v.* Murray, 9 Wall., 274; Edwards *v.* Elliott et al., 21 Wall., 532; Pearson *v.* Yewdall, 95 U. S., 294; McElrath *v.* United States, 102 U. S., 426.

[ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Pervear *v.* Commonwealth, 5 Wall., 475.

[ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Lessee of Livingston *v.* Moore et al., 7 Pet., 469.

[ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Chisholm, ex., *v.* State of Georgia, 2 Dall., 419; Hollingsworth et al. *v.* The State of Virginia, 3 Dall., 378; Martin *v.* Hunter's Lessee, 1 Wh.,

304; *McCulloch v. State of Maryland*, 4 Wh., 316; *Anderson v. Dunn*, 6 Wh., 204; *Cohens v. Virginia*, 6 Wh., 264; *Osborn v. United States Bank*, 9 Wh., 738; *Buchler v. Finley*, 2 Pet., 586; *Ableman v. Booth*, 21 How., 506; *The Collector v. Day*, 11 Wall., 113; *Claffin v. Houseman*, assignee, 93 U. S., 130; *Inman Steamship Company v. Tinker*, 94 U. S., 238.

ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

State of Georgia v. Brailsford et al., 2 Dall., 402; *Chisholm, ex., v. State of Georgia*, 2 Dall., 419; *Hollingsworth et al. v. Virginia*, 3 Dall., 378; *Cohen v. Virginia*, 6 Wh., 264; *Osborn v. United States Bank*, 9 Wh., 738; *United States v. The Planters' Bank*, 9 Wh., 904; the Governor of Georgia *v. Juan Madrazo*, 1 Pet., 110; *Cherokee Nation v. State of Georgia*, 5 Pet., 1; *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Pet., 257; *Curran v. State of Arkansas et al.*, 15 How., 304; *New Hampshire v. Louisiana*, 108 U. S., 76.

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 5th September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States.

ARTICLE XII.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and

the votes shall then be counted ;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second article ; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly con-

victed, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

Dred Scott v. Sanford, 19 How., 393; *White v. Hart*, 13 Wall., 646; *Osborn v. Nicholson*, 13 Wall., 654; *Slaughter-house Cases*, 16 Wall., 36; *Ex parte Virginia*, 100 U. S., 339; *Civil Rights case*, 109 U. S., 3.

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States, viz: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Strauder v. West Virginia, 100 U. S., 303; *Virginia v. Rivers*, 100 U. S., 313; *Ex parte Virginia*, 100 U. S. 339; *Missouri v. Lewis*, 101 U. S., 22; *Civil Rights Cases*, 109 U. S., 3; *Louisiana v. New Orleans*, 109 U. S., 285; *Hurtado v. California*, 110 U. S., 516; *Hagar v. Reclamation Dist.*, 111 U. S., 701.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male in-

habitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Crandall v. the State of Nevada, 6 Wall., 35; *Paul v. Virginia*, 8 Wall., 168; *Ward v. Maryland*, 12 Wall., 418; *Slaughter-house Cases*, 16 Wall., 36; *Bradwell v. The State*, 16 Wall., 130; *Bartemeyer v. Iowa*, 18 Wall., 129; *Minor v. Happersett*, 21 Wall., 162; *Walker v. Sauvinet*, 92 U. S., 90; *Kennard v. Louisiana*, ex rel. Morgan, 92 U. S., 480; *United States v. Cruikshank*, 92 U. S., 542; *Munn v. Illinois*, 94 U. S., 113.

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Con-

gress, on the 16th of June, 1866. On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution declaring that "the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore *Resolved*, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State." The Secretary of State accordingly issued a proclamation, dated the 28th of July, 1868, declaring that the proposed fourteenth amendment had been ratified, in the manner hereafter mentioned, by the legislatures of thirty of the thirty-six States, viz: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866, (and the legislature of the same State passed a resolution in April, 1868, to withdraw its consent to it;) Oregon, September 19, 1866; Vermont, November 9, 1866; Georgia rejected it November 13, 1866, and ratified it July 21, 1868; North Carolina rejected it December 4, 1866, and ratified it July 4, 1868; South Carolina rejected it December 20, 1866, and ratified it July 9, 1868; New York ratified it January 10, 1867; Ohio ratified it January 11, 1867, (and the legislature of the same State passed a resolution in January, 1868, to withdraw its consent to it;) Illinois ratified it January 15, 1867; West Virginia, January 16, 1867; Kansas, January 18, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Missouri, January 26, 1867; Indiana, January 29, 1867; Minnesota, February 1, 1867; Rhode Island, February 7, 1867; Wisconsin, February 13, 1867; Pennsylvania, February 13, 1867; Michigan, February 15, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, April 3, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; Louisiana, July 9, 1868; and Alabama, July 13, 1868. Georgia again ratified the amendment February 2, 1870. Texas rejected it November 1, 1866, and ratified it February 18, 1870. Virginia rejected it January 19, 1867, and ratified October 8, 1869. The amendment was rejected by Kentucky January 10, 1867; by Delaware February 8, 1867; by Maryland March 23, 1867; and was not afterward ratified by either State.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

United States v. Reese et al., 92 U. S., 214; *United States v. Cruikshank et al.*, 92 U. S., 542; *Ex parte Yarborough*, 110 U. S., 651.

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress

on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States. The dates of these ratifications (arranged in the order of their reception at the Department of State) were: from North Carolina, March 5, 1869; West Virginia, March 3, 1869; Massachusetts, March 9-12, 1869; Wisconsin, March 9, 1869; Maine, March 12, 1869; Louisiana, March 5, 1869; Michigan, March 8, 1869; South Carolina, March 16, 1869; Pennsylvania, March 26, 1869; Arkansas, March 30, 1869; Connecticut, May 19, 1869; Florida, June 15, 1869; Illinois, March 5, 1869; Indiana, May 13-14, 1869; New York, March 17-April 14, 1869, and the legislature of the same State passed a resolution January 5, 1870, to withdraw its consent to it;) New Hampshire, July 7, 1869; Nevada, March 1, 1869; Vermont, October 21, 1869; Virginia, October 8, 1869; Missouri, January 10, 1870; Mississippi, January 15-17, 1870; Ohio, January 27, 1870; Iowa, February 3, 1870; Kansas, January 18-19, 1870; Minnesota, February 19, 1870; Rhode Island, January 18, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870. The State of Georgia also ratified the amendment February 2, 1870.

RATIFICATIONS
OF
THE CONSTITUTION.

The Constitution was adopted by a Convention of the States September 17, 1787, and was subsequently ratified by the several States, in the following order, viz :

Delaware, December 7, 1787.
Pennsylvania, December 12, 1787.
New Jersey, December 18, 1787.
Georgia, January 2, 1788.
Connecticut, January 9, 1788.
Massachusetts, February 6, 1788.
Maryland, April 28, 1788.
South Carolina, May 23, 1788.
New Hampshire, June 21, 1788.
Virginia, June 26, 1788.
New York, July 26, 1788.
North Carolina, November 21, 1789.
Rhode Island, May 29, 1790.

The State of Vermont, by convention, ratified the Constitution on the 10th of January, 1791, and was, by an act of Congress of the 18th of February, 1791, "received and admitted into this Union as a new and entire member of the United States of America."

RATIFICATIONS
OF THE
AMENDMENTS TO THE CONSTITUTION.

The first ten of the preceding articles of amendment, (with two others which were not ratified by the requisite number of States,) were submitted to the several State Legislatures by a resolution of Congress which passed on the 25th of September, 1789, at the first session of the First Congress, and was ratified by the Legislatures of the following States :

New Jersey, November 20, 1789.
Maryland, December 19, 1789.
North Carolina, December 22, 1789.
South Carolina, January 19, 1790.
New Hampshire, January 25, 1790.
Delaware, January 28, 1790.
Pennsylvania, March 10, 1790.
New York, March 27, 1790.
Rhode Island, June 15, 1790.
Vermont, November 3, 1791.
Virginia, December 15, 1791.

The acts of the Legislatures of the States ratifying these amendments were transmitted by the governors to the President, and by him communicated to Congress. The Legislatures of Massachusetts, Connecticut, and Georgia, do not appear by the record to have ratified them.

The eleventh article was submitted to the Legislatures of the several

States by a resolution of Congress passed on the 5th of March, 1794, at the first session of the Third Congress ; and on the 8th of January, 1798, at the second session of the Fifth Congress, it was declared by the President, in a message to the two Houses of Congress, to have been adopted by the Legislatures of three-fourths of the States, there being at that time sixteen States in the Union.

The twelfth article was submitted to the Legislatures of the several States there being then seventeen States, by a resolution of Congress, passed on the 12th of December, 1803, at the first session of the Eighth Congress ; and was ratified by the Legislatures of three-fourths of the States, in 1804, according to a proclamation of the Secretary of State dated the 25th of September, 1804.

The thirteenth article was submitted to the Legislatures of the several States, there being then thirty-six States, by a resolution of Congress passed on the 1st of February, 1865, at the second session of the Thirty-eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated December 18, 1865, by the Legislatures of the following States :

Illinois, February 1, 1865.
Rhode Island, February 2, 1865.
Michigan, February 2, 1865.
Maryland, February 3, 1865.
New York, February 3, 1865.
West Virginia, February 3, 1865.
Maine, February 7, 1865.
Kansas, February 7, 1865.
Massachusetts, February 8, 1865.
Pennsylvania, February 8, 1865.
Virginia, February 9, 1865.
Ohio, February 10, 1865.
Missouri, February 10, 1865.

Indiana, February 16, 1865.
Nevada, February 16, 1865.
Louisiana, February 17, 1865.
Minnesota, February 23, 1865.
Wisconsin, March 1, 1865.
Vermont, March 9, 1865.
Tennessee, April 7, 1865.
Arkansas, April 20, 1865.
Connecticut, May 5, 1865.
New Hampshire, July 1, 1865.
South Carolina, November 13, 1865.
Alabama, December 2, 1865.
North Carolina, December 4, 1865.
Georgia, December 9, 1865.

The following States not enumerated in the proclamation of the Secretary of State also ratified this amendment :

Oregon, December 11, 1865.
California, December 20, 1865.
Florida, December 28, 1865.
New Jersey, January 23, 1866.
Iowa, January 24, 1866.
Texas, February 18, 1870.

The fourteenth article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 16th of June, 1866, at the first session of the Thirty-ninth Congress; and was ratified, according to a proclamation of the Secretary of State dated July 28, 1868, by the Legislatures of the following States :

Connecticut, June 30, 1866.
New Hampshire, July 7, 1866.
Tennessee, July 19, 1866.

- * New Jersey, September 11, 1866.
- † Oregon, September 19, 1866.
- Vermont, November 9, 1866.
- New York, January 10, 1867.
- ‡ Ohio, January 11, 1867.
- Illinois, January 15, 1867.
- West Virginia, January 16, 1867.
- Kansas, January 18, 1867.
- Maine, January 19, 1867.
- Nevada, January 22, 1867.
- Missouri, January 26, 1867.
- Indiana, January 29, 1867.
- Minnesota, February 1, 1867.
- Rhode Island, February 7, 1867.
- Wisconsin, February 13, 1867.
- Pennsylvania, February 13, 1867.
- Michigan, February 15, 1867.
- Massachusetts, March 20, 1867.
- Nebraska, June 15, 1867.
- Iowa, April 3, 1868.
- Arkansas, April 6, 1868.
- Florida, June 9, 1868.
- § North Carolina, July 4, 1868.
- Louisiana, July 9, 1868.
- § South Carolina, July 9, 1868.
- Alabama, July 13, 1868.
- § Georgia, July 21, 1868.
- § The State of Virginia ratified this amendment on the 8th of Octo-

* New Jersey withdrew her consent to the ratification in April, 1868.

† Oregon withdrew her consent to the ratification October 15, 1868.

‡ Ohio withdrew her consent to the ratification in January, 1868.

§ North Carolina, South Carolina, Georgia, and Virginia had previously rejected the amendment.

ber, 1869, subsequent to the date of the proclamation of the Secretary of State.

The States of Delaware, Maryland, Kentucky, and Texas rejected the amendment.

The fifteenth article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 27th of February, 1869, at the first session of the Forty-first Congress; and was ratified, according to a proclamation of the Secretary of State dated March 30, 1870, by the Legislatures of the following States:

Nevada, March 1, 1869.
West Virginia, March 3, 1869.
North Carolina, March 5, 1869.
Louisiana, March 5, 1869.
Illinois, March 5, 1869.
Michigan, March 8, 1869.
Wisconsin, March 9, 1869.
Massachusetts, March 12, 1869.
Maine, March 12, 1869.
South Carolina, March 16, 1869.
Pennsylvania, March 26, 1869.
Arkansas, March 30, 1869.
* New York, April 14, 1869.
Indiana, May 14, 1869.
Connecticut, May 19, 1869.
Florida, June 15, 1869.
New Hampshire, July 7, 1869.
Virginia, October 8, 1869.
Vermont, October 21, 1869.
Alabama, November 24, 1869.

* New York withdrew her consent to the ratification January 5, 1870.

Missouri, January 10, 1870.

Mississippi, January 17, 1870.

Rhode Island, January 18, 1870.

Kansas, January 19, 1870.

* Ohio, January 27, 1870.

Georgia, February 2, 1870.

Iowa, February 3, 1870.

Nebraska, February 17, 1870.

Texas, February 18, 1870.

Minnesota, February 19, 1870.

† The State of New Jersey ratified this amendment on the 21st of February, 1871, subsequent to the date of the proclamation of the Secretary of State.

The States of California, Delaware, Kentucky, Maryland, Oregon, and Tennessee rejected this amendment.

* Ohio had previously rejected the amendment May 4, 1869.

† New Jersey had previously rejected the amendment.

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AND THE
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He shall give information to Congress of the state of the Union, and recommend measures	2	3	-	17
On extraordinary occasions he may convene both Houses or either House of Congress	2	3	-	17
In case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper	2	3	-	17
He shall receive ambassadors and other public ministers ..	2	3	-	17
He shall take care that the laws be faithfully executed ..	2	3	-	17

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<i>President of the United States.</i> He shall commission all the officers of the United States.....	2	3	-	17
On impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors, shall be removed from office. The	2	4	-	17
No person except a natural-born citizen, or a citizen of the United States at the adoption of the Constitution, shall be eligible to the office of	2	1	4	15
No person who shall not have attained the age of thirty-five years and been fourteen years a citizen of the United States shall be eligible to the office of.....	2	1	4	15
<i>President and Vice-President. Manner of choosing.</i> Each State, by its legislature, shall appoint a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.	2	1	2	14
No Senator or Representative or person holding an office of trust or profit under the United States shall be an elector.	2	1	2	14
Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States....	2	1	3	15
The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]	12	-	-	28
They shall name in distinct ballots the person voted for as President and the person voted for as Vice-President. [Amendments].....	12	-	-	28
They shall make distinct lists of the persons voted for as President and as Vice-President, which they shall sign and certify and transmit sealed to the President of the Senate at the seat of government. [Amendments]....	12	-	-	28
The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. [Amendments].....	12	-	-	28
The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed. [Amendments].....	12	-	-	28
If no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. [Amendments.].....	12	-	-	28

	Art.	Sec.	Cl.	Page.
<i>President and Vice-President. Manner of choosing.</i> In choosing the President, the votes shall be taken by States, the representation from each State having one vote. [Amendments].....	12	-	-	28
A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments].....	12	-	-	28
But if no choice shall be made before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or disability of the President. [Amendments].....	12	-	-	28
<i>President of the Senate,</i> but shall have no vote unless the Senate be equally divided. The Vice-President shall be.....	1	3	4	4
<i>President pro tempore.</i> In the absence of the Vice-President the Senate shall choose a.....	1	3	5	4
When the Vice-President shall exercise the office of President of the United States, the Senate shall choose a.....	1	3	5	4
<i>Press.</i> Congress shall pass no law abridging the freedom of speech or of the. [Amendments].....	1	-	-	26
<i>Previous condition</i> of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or. [Amendments].....	15	1	-	32
<i>Private property</i> shall not be taken for public use without just compensation. [Amendments].....	5	-	-	26
<i>Privilege.</i> Senators and Representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same.....	1	6	1	5
They shall not be questioned for any speech or debate in either House in any other place.....	1	6	1	8
<i>Privileges and immunities of citizens of the United States.</i> The citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States.	4	2	1	20
No soldier shall be quartered in any house without the consent of the owner in time of peace. [Amendments]....	3	-	-	26
No person shall be twice put in jeopardy of life and limb for the same offense. [Amendments]	5	-	-	26
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments].....	14	1	-	30

	Art.	Sec.	Cl.	Page.
<i>Privileges and immunities of citizens of the United States.</i> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]	14	I	-	30
No State shall deprive any person of life, liberty, or property without due process of law. [Amendments]	14	I	-	30
Nor deny to any person within its jurisdiction the equal protection of its laws. [Amendments]	14	I	-	30
<i>Prizes</i> captured on land or water. Congress shall make rules concerning	1	8	II	9
<i>Probable cause.</i> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue for such but upon. [Amendments] ...	4	-	-	26
<i>Process of law.</i> No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due. [Amendments] ..	5	-	-	26
No State shall deprive any person of life, liberty, or property without due. [Amendments]	14	I	-	30
<i>Process</i> for obtaining witnesses in his favor. In all criminal prosecutions the accused shall have. [Amendments] ..	6	-	-	26
<i>Progress</i> of science and useful arts. Congress shall have power to promote the	1	8	8	8
<i>Property</i> of the United States. Congress may dispose of and make all needful rules and regulations respecting the territory or	4	3	2	21
<i>Property</i> , without due process of law. No person shall be compelled in any criminal case to be a witness against himself; nor shall he be deprived of his life, liberty, or. [Amendments]	5	-	-	26
No State shall abridge the privileges or immunities of citizens of the United States, nor deprive any person of his life, liberty, or. [Amendments]	14	I	-	30
<i>Prosecutions.</i> The accused shall have a speedy and public trial in all criminal. [Amendments]	6	-	-	26
He shall be tried by a jury in the State or district where the crime was committed. [Amendments]	6	-	-	26
He shall be informed of the nature and cause of the accusation. [Amendments]	6	-	-	26
He shall be confronted with the witnesses against him. [Amendments]	6	-	-	26
He shall have compulsory process for obtaining witnesses. [Amendments]	6	-	-	26

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<i>Prosecutions.</i> He shall have counsel for his defense. [Amendments]	6	-	-	26
<i>Protection</i> of the laws. No State shall deny to any person within its jurisdiction the equal. [Amendments]	14	1	-	30
<i>Public debt</i> of the United States incurred in suppressing insurrection or rebellion shall not be questioned. The validity of the. [Amendments]	14	4	-	31
<i>Public safety</i> may require it. The writ of <i>habeas corpus</i> shall not be suspended, unless when in cases of rebellion or invasion the	1	9	2	10
<i>Public trial</i> by jury. In all criminal prosecutions the accused shall have a speedy and. [Amendments]	6	-	-	26
<i>Public use.</i> Private property shall not be taken for, without just compensation. [Amendments]	5	-	-	26
<i>Punishment</i> according to law. Judgment in cases of impeachment shall not extend further than to removal from, and disqualification for, office; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and	1	3	7	4
<i>Punishments</i> inflicted. Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual. [Amendments]	8	-	-	27

Q.

<i>Qualification for office.</i> No religious test shall ever be required as a	6	-	3	23
<i>Qualifications</i> of electors of members of the House of Representatives shall be the same as electors for the most numerous branch of the State legislature	1	2	1	1
<i>Qualifications</i> of members of the House of Representatives. They shall be twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the State in which chosen	1	2	2	2
Of Senators. They shall be thirty years of age, nine years a citizen of the United States, and an inhabitant of the State in which chosen	1	3	3	5
Of its own members. Each House shall be the judge of the election, returns, and	1	5	1	4
Of the President. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President	2	1	4	15

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<i>Qualifications</i> of members of the House of Representatives.				
Neither shall any person be eligible to the office of President who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States	2	1	4	15
Of the Vice-President. No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President. [Amendments]	12	-	-	28
<i>Quartered</i> in any house without the consent of the owner in time of peace. No soldier shall be. [Amendments] ..	3	-	-	26
<i>Quorum</i> to do business. A majority of each House shall constitute a	1	5	1	5
But a smaller number than a quorum may adjourn from day to day and may be authorized to compel the attendance of absent members	1	5	1	5
Of the House of Representatives for choosing a President shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]	12	-	-	28
<i>Quorum</i> to elect a Vice-President by the Senate. Two-thirds of the whole number of Senators shall be a. [Amendments]	12	-	-	28
A majority of the whole number shall be necessary to a choice. [Amendments]	12	-	-	28
R.				
<i>Race</i> , color, or previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of. [Amendments]	15	1	-	32
<i>Ratification</i> of amendments to the Constitution shall be by the legislatures of three-fourths of the several States or by conventions in three-fourths of the States, accordingly as Congress may propose	5	-	-	22
<i>Ratification</i> of the conventions of nine States shall be sufficient to establish the Constitution between the States so ratifying the same	7	-	-	23
<i>Ratio</i> of representation until the first enumeration under the Constitution shall be made not to exceed one for every thirty thousand ..	1	2	3	3
<i>Ratio</i> of representation shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, including Indians not taxed. [Amendments]	14	2	-	30

	Art.	Sec.	Cl.	Page
<i>Ratio.</i> But when the right to vote for presidential electors or members of Congress, or the legislative, executive, and judicial officers of the State, except for engaging in rebellion or other crime, shall be denied or abridged by a State, the basis of representation shall be reduced therein in the proportion of such denial or abridgment of the right to vote. [Amendments]	14	2	-	30
<i>Rebellion</i> against the United States. Persons who, while holding certain Federal and State offices, took an oath to support the Constitution, afterwards engaged in insurrection or rebellion, disabled from holding office under the United States. [Amendments]	14	3	-	31
But Congress may by a vote of two-thirds of each House remove such disability. [Amendments]	14	3	-	31
<i>Rebellion</i> against the United States. Debts incurred for pensions and bounties for services in suppressing the rebellion shall not be questioned. [Amendments]	14	4	-	31
All debts and obligations incurred in aid of the rebellion, and all claims for the loss or emancipation of slaves, declared and held to be illegal and void. [Amendments]	14	4	-	31
<i>Rebellion</i> or invasion. The writ of <i>habeas corpus</i> shall not be suspended except when the public safety may require it in cases of	1	9	2	10
<i>Receipts</i> and expenditures of all public money shall be published from time to time. A regular statement of	1	9	7	11
<i>Recess of the Senate.</i> The President may grant commissions, which shall expire at the end of the next session, to fill vacancies that may happen during the	2	2	3	16
<i>Reconsideration</i> of a bill returned by the President with his objections. Proceedings to be had upon the	1	7	2	6
<i>Records</i> , and judicial proceedings of every other State. Full faith and credit shall be given in each State to the acts. Congress shall prescribe the manner of proving such acts, records, and proceedings	4	1	-	20
<i>Redress of grievances.</i> Congress shall make no law abridging the right of the people peaceably to assemble and to petition for the. [Amendments]	1	-	-	26
<i>Regulations</i> , except as to the places of choosing Senators. The time, places, and manner of holding elections for Senators and Representatives shall be prescribed by the legislatures of the States, but Congress may at any time by law make or alter such	1	4	1	4

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<i>Regulations</i> of commerce or revenue. Preference to the ports of one State over those of another shall not be given by any.....	1	9	6	11
<i>Religion</i> or prohibiting the free exercise thereof. Congress shall make no law respecting the establishment of [Amendments]	1	-	-	26
<i>Religious</i> test shall ever be required as a qualification for any office or public trust under the United States. No....	6	-	3	23
<i>Removal</i> of the President from office, the same shall devolve on the Vice-President. In case of the.....	2	5	6	15
<i>Representation.</i> No State, without its consent, shall be deprived of its equal suffrage in the Senate.....	5	-	-	22
<i>Representation</i> and direct taxation, how apportioned among the several States. [This provision is changed by the 14th amendment, section 2, on page 66].....	1	2	3	3
<i>Representation</i> until the first enumeration under the Constitution not to exceed one for every thirty thousand. The ratio of.....	1	2	3	3
<i>Representation</i> in any State. The executive thereof shall issue writs of election to fill vacancies in the.....	1	2	4	3
<i>Representation</i> among the several States shall be according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. The ratio of. [Amendments].....	14	2	-	30
But where the right to vote in certain Federal and State elections is abridged for any cause other than rebellion or other crime, the basis of representation shall be reduced. [Amendments]	14	2	-	30
<i>Representatives.</i> Congress shall consist of a Senate and House of	1	1	-	1
Qualifications of electors of members of the House of...	1	2	1	1
No person shall be a Representative who shall not have attained the age of twenty-five years, been seven years a citizen of the United States, and an inhabitant of the State in which he shall be chosen.....	1	2	2	2
And direct taxes, how apportioned among the several States. [Amended by 14th amendment, section 2, on page 66]..	1	2	3	3
Shall choose their Speaker and other officers. The House of	1	2	5	3
Shall have the sole power of impeachment. The House of	1	2	5	3
Executives of the States shall issue writs of election to fill vacancies in the House of.....	1	2	4	3

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<i>Representatives.</i> The times, places, and manner of choosing				
Representatives shall be prescribed by the legislatures	1	4	1	4
of the States				
But Congress may at any time by law make or alter such	1	4	1	4
regulations except as to the places of choosing Senators.				
And Senators shall receive a compensation to be ascertained	1	6	1	5
by law				
Shall in all cases, except treason, felony, and breach of the				
peace, be privileged from arrest during attendance at the				
session of the House, and in going to and returning from				
the same	1	6	1	5
Shall not be questioned in any other place for any speech				
or debate. Members of the House of	1	6	1	5
No member shall be appointed during his term to any civil				
office which shall have been created, or the emolu-				
ments of which shall have been increased, during such				
term	1	6	2	5
No person holding any office under the United States shall,				
while holding such office, be a member of the House of	1	6	2	5
All bills for raising revenue shall originate in the House				
of	1	7	1	6
No Senator or Representative shall be an elector for Presi-				
dent or Vice-President	2	1	2	14
<i>Representatives</i> shall be bound by an oath or affirmation to sup-				
port the Constitution of the United States. The Sena-				
tors and	6	-	3	23
<i>Representatives</i> among the several States. Provisions relative				
to the apportionment of. [Amendments]	14	2	-	30
<i>Representatives and Senators.</i> Prescribing certain disqualifica-				
tions for office as. [Amendments]	14	3	-	31
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President may grant	2	2	1	16
<i>Reprisal.</i> Congress shall have power to grant letters of marque				
and	1	8	11	9
No State shall grant any letters of marque and	1	10	1	11
<i>Republican</i> form of government. The United States shall guar-				
antee to every State in this Union a	4	4	-	22
And shall protect each of them against invasion; and on				
the application of the legislature, or of the executive				
(when the legislature cannot be convened), against do-				
mestic violence	4	4	-	23

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<i>Reserved rights</i> of the States and the people. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. [Amendments]	9	-	-	27
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. [Amendments]	10	-	-	27
<i>Resignation</i> , or inability of the President, the duties and powers of his office shall devolve on the Vice-President. In case of the death	2	1	5	15
<i>Resignation</i> , or inability of the President. Congress may by law provide for the case of the removal, death.	2	1	5	15
<i>Resolution</i> , or vote (except on a question of adjournment) requiring the concurrence of the two Houses shall, before it becomes a law, be presented to the President. Every order	1	7	3	6
<i>Revenue</i> shall originate in the House of Representatives. All bills for raising	1	7	1	6
<i>Revenue</i> . Preference shall not be given to the ports of one State over those of another by any regulations of commerce or ..	1	9	6	11
<i>Rhode Island</i> entitled to one Representative in the first Congress ..	1	2	3	3
<i>Right of petition</i> . Congress shall make no law abridging the right of the people peaceably to assemble and to petition for the redress of grievances. [Amendments]	1	-	-	26
<i>Right to keep and bear arms</i> . A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. [Amendments]	2	-	-	26
<i>Rights</i> in the Constitution shall not be construed to deny or disparage others retained by the people. The enumeration of certain. [Amendments]	9	-	-	27
<i>Rights</i> not delegated to the United States nor prohibited to the States are reserved to the States or to the people. [Amendments]	10	-	-	27
<i>Rules</i> of its proceedings. Each House may determine the.	1	5	2	5
<i>Rules and regulations</i> respecting the territory or other property of the United States. Congress shall dispose of and make all needful	4	3	2	21
<i>Rules of the common law</i> . All suits involving over twenty dollars shall be tried by jury according to the. [Amendments]	7	-	-	28
No fact tried by a jury shall be re-examined except according to the. [Amendments]	7	-	-	28

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<i>Science and the useful arts</i> by securing to authors and inventors the exclusive right to their writings and discoveries. Congress shall have power to promote the progress of.....	1	8	2	8
<i>Searches and seizures</i> shall not be violated. The right of the people to be secure against unreasonable. [Amendments]	4	-	-	26
And no warrants shall be issued but upon probable cause, on oath or affirmation, describing the place to be searched and the person or things to be seized. [Amendments]..	4	-	-	26
<i>Seat of government.</i> Congress shall exercise exclusive legislation in all cases over such district as may become the..	1	8	17	9
<i>Securities</i> and current coin of the United States. Congress shall provide for punishing the counterfeiting of the.....	1	8	6	8
<i>Security of a free State</i> , the right of the people to keep and bear arms shall not be infringed. A well-regulated militia being necessary to the. [Amendments]	2	-	-	26
<i>Senate and House of Representatives.</i> The Congress of the United States shall consist of a	1	1	-	1
<i>Senate of the United States.</i> The Senate shall be composed of two Senators from each State, chosen by the legislature for six years	1	3	1	3
If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature....	1	3	2	3
The Vice-President shall be President of the Senate, but shall have no vote unless the Senate be equally divided..	1	3	4	4
The Senate shall choose their other officers, and also a President <i>pro tempore</i> in the absence of the Vice-President or when he shall exercise the office of President..	1	3	5	4
The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation	1	3	6	4
When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.....	1	3	6	4
It shall be the judge of elections, returns, and qualifications of its own members	1	5	1	5
A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members	1	5	1	5

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<i>Senate of the United States.</i> It may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member.	I	5	2	5
It shall keep a journal of its proceedings and from time to time publish the same, except such parts as may in their judgment require secrecy.	I	5	3	5
It shall not adjourn for more than three days during a session without the consent of the other House.	I	5	4	5
It may propose amendments to bills for raising revenue but such bills shall originate in the House of Representatives.	I	7	I	6
The Senate shall advise and consent to the ratification of all treaties, provided two-thirds of the members present concur.	2	2	2	16
It shall advise and consent to the appointment of ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers not herein otherwise provided for.	2	2	2	16
It may be convened by the President on extraordinary occasions.	2	3	-	17
No State, without its consent, shall be deprived of its equal suffrage in the Senate.	5	-	-	22
<i>Senators.</i> They shall immediately after assembling, under their first election, be divided into three classes, so that the seats of one-third shall become vacant at the expiration of every second year.	I	3	2	3
No person shall be a Senator who shall not be thirty years of age, nine years a citizen of the United States, and an inhabitant when elected of the State for which he shall be chosen.	I	3	3	4
The time, places, and manner of choosing Senators may be fixed by the legislature of a State, but Congress may by law make or alter such regulations, except as to the places of choosing.	I	4	I	4
If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature.	I	3	2	3
They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Senate and in going to and returning from the same.	I	6	I	5
Senators and Representatives shall receive a compensation to be ascertained by law.	I	6	I	5

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Senators. Senators and Representatives shall not be questioned for any speech or debate in either House in any other place.....	I	6	I	5
No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the United States which shall have been created, or of which the emoluments shall have been increased, during such term.....	I	6	2	5
No person holding any office under the United States shall be a member of either House during his continuance in office.....	I	6	2	5
No Senator or Representative or person holding an office of trust or profit under the United States shall be an elector for President and Vice-President.....	2	I	2	14
Senators and Representatives shall be bound by an oath or affirmation to support the Constitution.....	6	-	3	23
No person shall be a Senator or Representative who having, as a Federal or State officer, taken an oath to support the Constitution, afterwards engaged in rebellion against the United States. [Amendments].....	14	3	-	31
But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments].....	14	3	-	31
Service or labor in one State, escaping into another State, shall be delivered up to the party to whom such service or labor may be due. Fugitives from.....	4	2	3	21
Servitude , except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States or any place subject to their jurisdiction. Neither slavery nor involuntary. [Amendments].....	13	I	-	29
Servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of. [Amendments].....	15	I	-	32
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Silver coin a tender in payment of debts. No State shall make anything but gold and.....	I	10	I	11
Slave. Neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion, or any claim for the loss or emancipation of any. [Amendments].....	14	4	-	31

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<i>Slavery</i> nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States, or any places subject to their jurisdiction. Neither. [Amendments].	13	1	-	29
<i>Soldiers</i> shall not be quartered, in time of peace, in any house without the consent of the owner. [Amendments].	3	-	-	26
<i>South Carolina</i> entitled to five Representatives in the first Congress	1	2	3	3
<i>Speaker</i> and other officers. The House of Representatives shall choose their	1	2	5	3
<i>Speech or of the press.</i> Congress shall make no law abridging the freedom of. [Amendments]	1	-	-	26
<i>Speedy and public</i> trial by a jury. In all criminal prosecutions the accused shall have a. [Amendments]	6	-	-	26
<i>Standard of weights</i> and measures. Congress shall fix the	1	8	5	8
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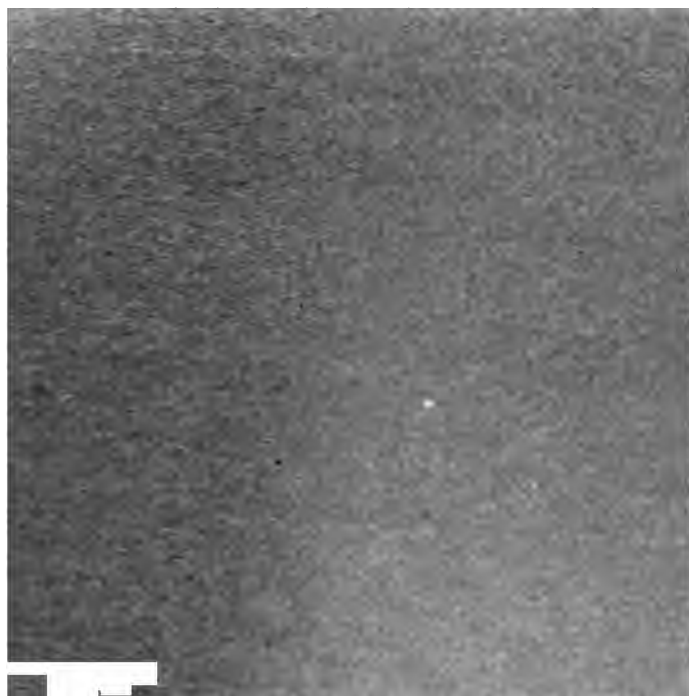
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JEFFERSON'S MANUAL
OF
PARLIAMENTARY PRACTICE.

**RULE XLIV OF THE HOUSE OF REPRESENTATIVES OF THE
UNITED STATES.—*Adopted as Rule CXVIII, September 15, 1837.***

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives.

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PREFACE.

The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate have accordingly formed some rules for its own government; but these going only to few cases, they have referred to the decision of their President, without debate and without appeal, all questions of order arising either under their own rules, or where they have provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion, nor open to the imputation of them. But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the Parliamentary bodies within these States, or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many, and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them, has given them the sanction of their approbation.

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I

have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the Parliamentary with the Senatorial rules, both where they agree and where they vary. I have done this, as well to have them at hand for my own government, as to deposit with the Senate the standard by which I judge, and am willing to be judged. I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is pre-eminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being inferred from known rules and principles. For some of the most familiar forms no written authority is or can be quoted; no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.

I am aware that authorities can often be produced in opposition to the rules which I lay down as Parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

Yet I am far from the presumption of believing that I may not have mistaken the Parliamentary practice in some cases, and especially in those minor forms, which, being practiced daily, are supposed known to everybody, and therefore have not been committed to writing. Our resources in this quarter of the globe, for obtaining information on that part of the subject, are not perfect. But I have begun a sketch, which those who come after me will successively correct and fill up, till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

NOTE.—References to present Senate rules are printed in *italic*.

MANUAL OF PARLIAMENTARY PRACTICE.

IMPORTANCE OF RULES.

SEC. I.—IMPORTANCE OF ADHERING TO RULES.

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power." So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities. 2 *Hats.*, 171, 172.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the

caprice of the Speaker, or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body. 2 *Hats.*, 149.

SEC. II.—LEGISLATURE.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. *Constitution of the United States, Art. 1, Sec. 1.*

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. *Constitution of the United States, Art. 1, Sec. 6.*

For the powers of Congress, see the following Articles and Sections of the Constitution of the United States: I, 4, 7, 8, 9. II, 1, 2. III, 3. IV, 1, 3, 5, and all the amendments.

SEC. III.—PRIVILEGE.

The privileges of members of Parliament, from small and obscure beginnings, have been advancing for centuries with a firm and never-yielding pace. Claims seem to have been brought forward from time to time, and repeated, till some example of their admission enabled them to build law on that example. We can only, therefore, state the points of progression at which they now are. It is now acknowledged, 1st. That they are at all times exempted from question elsewhere, for anything said in their own House; that during the time of privilege, 2d. Neither a member himself, his* wife, nor his servants, (*familiares sui*), for any matter of their own, may be † arrested on mesne process, in any civil suit: 3d. Nor be detained under execution, though levied before time of privilege: 4th. Nor impleaded, cited, or subpœnaed in any court: 5th. Nor summoned as a witness or juror: 6th. Nor may their lands or goods be distrained: 7th. Nor their persons assaulted, or characters traduced. And the period of time covered by privilege, before and after the session, with the practice of short prorogations under the connivance of the Crown, amounts in fact to a perpetual protection against the

* Order of the House of Commons, 1663, July 16.

† Elsyng, 217; 1 *Hats.*, 21; 1 *Grey's Deb.*, 133.

course of justice. In one instance, indeed, it has been relaxed by the 10 G. 3, c. 50, which permits judiciary proceedings to go on against them. That these privileges must be continually progressive, seems to result from their rejecting all definition of them; the doctrine being, that "their dignity and independence are preserved by keeping their privileges indefinite; and that 'the maxims upon which they proceed, together with the method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws.'" 1 *Blackst.*, 163, 164.

It was probably from this view of the encroaching character of privilege that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, have only privileged "Senators and Representatives" themselves from the single act of "arrest in all cases except treason, felony, and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House." *Const. U. S., Art. 1, Sec. 6*. Under the general authority "to make all laws necessary and proper for carrying into execution the powers given them," *Const. U. S., Art. 2, Sec. 8*, they may provide by law the details which may be necessary for giving full effect to the enjoyment of this privilege. No such law being as yet made, it seems to stand at present on the following ground: 1. The act of arrest is void, *ab initio*.* 2. The member arrested may be discharged on motion, 1 *Bl.*, 166; 2 *Stra.*, 990; or by habeas corpus under the Federal or State authority, as the case may be; or by a writ of privilege out of the chancery, 2 *Stra.*, 989, in those States which have adopted that part of the laws of England. *Orders of the House of Commons*, 1550, February 20. 3. The arrest being unlawful, is a trespass for which the officer and others concerned are liable to action or indictment in the ordinary courts of justice, as in other cases of unauthorized arrest. 4. The court before which the process is returnable is bound to act as in other cases of unauthorized proceeding, and liable, also, as in other similar cases, to have their proceedings stayed or corrected by the superior courts.

*2 *Stra.*, 989.

The time necessary for going to, and returning from, Congress, not being defined, it will, of course, be judged of in every particular case by those who will have to decide the case. While privilege was understood in England to extend, as it does here, only to exemption from arrest, *eundo*, *morando*, *et redeundo*, the House of Commons themselves decided that "a convenient time was to be understood." (1580,) 1 *Hats.*, 99, 100. Nor is the law so strict in point of time as to require the party to set out immediately on his return, but allows him time to settle his private affairs, and to prepare for his journey; and does not even scan his road very nicely, nor forfeit his protection for a little deviation from that which is most direct; some necessity perhaps constraining him to it. 2 *Stra.*, 986, 987.

This privilege from arrest, privileges, of course, against all process the disobedience to which is punishable by an attachment of the person; as a subpoena ad respondendum, or testificandum, or a summons on a jury; and with reason, because a member has superior duties to perform in another place. When a representative is withdrawn from his seat by summons, the 40,000 people whom he represents lose their voice in debate and vote, as they do on his voluntary absence; when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does on his voluntary absence. The enormous disparity of evil admits no comparison.

So far there will probably be no difference of opinion as to the privileges of the two Houses of Congress; but in the following cases it is otherwise. In December, 1795, the House of Representatives committed two persons of the name of Randall and Whitney, for attempting to corrupt the integrity of certain members, which they considered as a contempt and breach of the privileges of the House; and the facts being proved, Whitney was detained in confinement a fortnight, and Randall three weeks, and was reprimanded by the Speaker. In March, 1796, the House of Representatives voted a challenge given to a member of their House to be a breach of the privileges of the House; but satisfactory apologies and acknowledgments being made, no further proceeding was had. The editor of the *Aurora* having, in his paper of February 19, 1800, inserted some paragraphs defamatory of the Senate, and failed in his appearance, he was ordered to be committed. In debating the legality of

this order, it was insisted, in support of it, that every man, by the law of nature, and every body of men, possesses the right of self-defense; that all public functionaries are essentially invested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we see the British Parliament exercise the right of punishing contempts; all the State Legislatures exercise the same power, and every court does the same; that, if we have it not, we sit at the mercy of every intruder who may enter our doors or gallery, and, by noise and tumult, render proceeding in business impracticable; that if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must therefore have a power to punish these disturbers of our peace and proceedings. To this it was answered, that the Parliament and courts of England have cognizance of contempts by the express provisions of their law; that the State Legislatures have equal authority because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their constitutions have expressly denied them; that the courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws adopted in each State, by a law of Congress; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, nor any powers but such as are given them by the Constitution; that that has given them, directly, exemption from personal arrest, exemption from question elsewhere for what is said in their House, and power over their own members and proceedings; for these no further law is necessary, the Constitution being the law; that, moreover, by that article of the Constitution which authorizes them "to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in them," they may provide by law for an undisturbed exercise of their functions, e. g., for the punishment of contempts, of affrays or tumult in their presence, &c.; but, till the

law be made, it does not exist; and does not exist, from their own neglect; that, in the meantime, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies ad libitum to aid him, 3 *Grey*, 59, 147, 255, is equal to small disturbances; that in requiring a previous law, the Constitution had regard to the inviolability of the citizen, as well as of the member; as, should one House, in the regular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also as, the law being promulgated, the citizen will know how to avoid offense. But if one branch may assume its own privileges without control, if it may do it on the spur of the occasion, conceal the law in its own breast, and, after the fact committed, make its sentence both the law and the judgment on that fact; if the offense is to be kept undefined and to be declared only *ex re nata*, and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed. Which of these doctrines is to prevail, time will decide. Where there is no fixed law, the judgment on any particular case is the law of that single case only, and dies with it. When a new and even a similar case arises, the judgment which is to make and at the same time apply the law, is open to question and consideration, as are all new laws. Perhaps Congress in the mean time, in their care for the safety of the citizen, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case.

Privilege from arrest takes place by force of the election; and before a return be made a member elected may be named of a committee, and is to every extent a member except that he cannot vote until he is sworn. *Memor.*, 107, 108. *D' Ewes*, 642, col. 2; 643, col. 1. *Pet. Miscel. Parl.*, 119. *Lex. Parl.*, c. 23. 2 *Huts.*, 22, 62.

Every man must, at his peril, take notice who are members of either House returned of record. *Lex. Parl.*, 23; 4 *Inst.*, 24.

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the sergeant. 1 *Grey*, 88, 95.

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House. 3 *Grey*, 140, 222.

For any speech or debate in either House, they shall not be questioned in any other place. *Const. U. S.*, 1, 6; *S. P. protest of the Commons to James I*, 1621; 2 *Rapin*, No. 54, pp. 211, 212. But this is restrained to things done in the House in a parliamentary course. 1 *Rush.*, 663. For he is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty. *Com. p.*

If an offense be committed by a member in the House, of which the House has cognizance, it is an infringement of their right for any person or court to take notice of it, till the House has punished the offender, or referred him to a due course. *Lex. Parl.*, 63.

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts, but not of the House itself. 2 *Nelson*, 450; 2 *Grey*, 399. For whatever is spoken in the House is subject to the censure of the House; and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing him to the tower, expelling the House, &c. *Scob.*, 72; *L. Parl.*, c. 22.

It is a breach of order for the Speaker to refuse to put a question which is in order. 1 *Hats.*, 175-6; 5 *Grey*, 133.

And even in cases of treason, felony, and breach of the peace, to which privilege does not extend as to substance, yet in Parliament a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege; otherwise it would be in the power of other branches of the government, and even of every private man, under pretenses of treason, &c., to take any man from his service in the House, and so, as many, one after another, as would make the House what he pleaseth. *Dec'l of the Com. on the King's declaring Sir John Hotham a traitor*. 4 *Rushw.*, 586. So, when a member stood indicted for felony, it was adjudged that he

ought to remain of the House till conviction; for it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime. 23 *El.*, 1580; *D'Ewes*, 283, col. 1; *Lex Parl.*,

133.

When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as they think proper. 2 *Hats.*, 259. Of which see many examples. *Ib.*, 256, 257, 258. But the communication is subsequent to the arrest. 1 *Blackst.*, 167.

It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner. 2 *Hats.*, 252; 4 *Inst.*, 15; *Seld. Jud.*, 53. Thus the King's taking notice of the bill for suppressing soldiers, depending before the House; his proposing a provisional clause for a bill before it was presented to him by the two Houses; his expressing displeasure against some persons for matters moved in Parliament during the debate and preparation of a bill, were breaches of privilege; 2 *Nelson*, 743; and in 1783, December 17, it was declared a breach of fundamental privileges, &c., to report any opinion or pretended opinion of the King on any bill or proceeding depending in either House of Parliament, with a view to influence the votes of the members. 2 *Hats.*, 251, 6.

SEC. IV.—ELECTIONS.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. *Const.*, I, 4.

Each House shall be the judge of the elections, returns, and qualifications of its own members. *Const.*, I, 5.

SEC. V.—QUALIFICATIONS.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the end of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies. *Const.*, I, 3.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen. *Const.*, I, 3.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. *Const.*, I, 2.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. *Const.*, I, 2.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers; [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.]* The actual enumeration shall be made within

*The portion of this clause of the Constitution within brackets has been amended by the 14th amendment, 2d section.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies. *Const.*, I, 2.

No Senator or Representative, shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office. *Const.*, I, 6.

SEC. VI.—QUORUM.

A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide. *Const.*, I, 5.

In general the chair is not to be taken till a quorum for business is present; unless, after due waiting, such a quorum be despaired of, when the chair may be taken and the House adjourned. And whenever, during business, it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended. 2 *Hats.*, 125, 126.

[*In the Senate.*]

Rule III.

1. *The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.*

2. *A quorum shall consist of a majority of the Senators duly chosen and sworn.*

SEC. VII.—CALL OF THE HOUSE.

On a call of the House, each person rises up as he is called, and answereth; the absentees are then only noted, but no excuse to be

made till the House be fully called over. Then the absentees are called a second time, and if still absent, excuses are to be heard.

Ord. House of Commons, 92.

They rise that their persons may be recognized; the voice, in such a crowd, being an insufficient verification of their presence. But in so small a body as the Senate of the United States, the trouble of rising cannot be necessary.

Orders for calls on different days may subsist at the same time. 2
Hats., 72.

[*In the Senate.*]

Rule V—Clause 2.

2. *If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.*

SEC. VIII.—ABSENCE.

[*In the Senate.*]

Rule V.

1. *No Senator shall absent himself from the service of the Senate without leave.*

2. *If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.*

3. *Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.*

SEC. IX.—SPEAKER.

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. *Constitution*, I, 3.

The Senate shall choose their officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States. *Ib.*

[In the Senate.]

Rule XXIV.

1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.

2. When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.

At these committees the members are to speak standing, and not sitting; though there is reason to conjecture it was formerly otherwise. *D'Ewes*, 630, col. 1; 4 *Parl. Hist.*, 440; 2 *Hats.*, 77.

Their proceedings are not to be published, as they are of no force till confirmed by the House, *Rushw.*, part 3, vol. 2, 74; 3 *Grey*, 401; *Scob.*, 39. Nor can they receive a petition but through the House. 9 *Grey*, 412.

When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him. 9 *Grey*, 523.

So soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House. 2 *Nals.*, 319.

It appears that on joint committees of the Lords and Commons, each committee acted integrally in the following instances: 7 *Grey*, 261, 278, 285, 338; 1 *Chandler*, 357, 462. In the following instances it does not appear whether they did or not: 6 *Grey*, 129; 7 *Grey*, 213, 229, 321.

SEC. XII.—COMMITTEE OF THE WHOLE.

The speech, messages, and other matters of great concernment, are usually referred to a Committee of the Whole House (6 *Grey*, 311)

where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These being reported and confirmed by the House, are then referred to one or more select committees, according as the subject divides itself into one or more bills. *Scob.*, 36, 44. Propositions for any charge on the people are especially to be first made in a Committee of the Whole. *3 Hats.*, 127. The sense of the whole is better taken in committee, because in all committees every one speaks as often as he pleases. *Scob.*, 49. They generally acquiesce in the chairman named by the Speaker; but, as well as all other committees, have a right to elect one, some member, by consent, putting the question. *Scob.*, 36; *3 Grey*, 301. The form of going from the House into committee, is for the Speaker, on motion, to put the question that the House do now resolve itself into a Committee of the Whole to take into consideration such a matter, naming it. If determined in the affirmative, he leaves the chair and takes a seat elsewhere, as any other member; and the person appointed chairman seats himself at the Clerk's table. *Scob.*, 36. Their quorum is the same as that of the House; and if a defect happens, the chairman, on a motion and question, rises, the Speaker resumes the chair and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair and receives it, because the committee can not. *2 Hats.*, 125, 126.

In a Committee of the Whole, the tellers on a division differing as to numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table; whereupon the members retiring to their places, the Speaker told the House "he had taken the chair without an order, to bring the House into order." Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further in consequence of what had happened in the grand committee, which was done. *3 Grey*, 128.

A Committee of the Whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was

adjourned. The next day the committee was considered as thereby dissolved, and the subject again before the House; and it was decided in the House, without returning into committee. 3 *Grey*, 130.

No previous question can be put in a committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise, on a question, the House is resumed, and the chairman reports that the Committee of the Whole have, according to order, had under their consideration such a matter, and have made progress therein; but not having had time to go through the same, have directed him to ask leave to sit again. Whereupon a question is put on their having leave, and on the time the House will again resolve itself into a committee. *Scob.*, 38. But if they have gone through the matter referred to them, a member moves that the committee may rise, and the chairman report their proceedings to the House; which being resolved, the chairman rises, the Speaker resumes the chair, the chairman informs him that the committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of "now, now," whereupon he makes the report; but if it be late, the cry is "to-morrow, to-morrow," or "Monday," &c., or a motion is made to that effect, and a question put that it be received to-morrow, &c. *Scob.*, 38.

In other things the rules of proceeding are to be the same as in the House. *Scob.*, 39.

SEC. XIII.—EXAMINATION OF WITNESSES.

Common fame is a good ground for the House to proceed by inquiry, and even to accusation. *Resolution House of Commons*, 1 *Car.* 1, 1625; *Rush, L. Parl.*, 115; *Grey*, 16-22, 92; 8 *Grey*, 21, 23, 27, 45.

Witnesses are not to be produced but where the House has previously instituted an inquiry, 2 *Hats.*, 102, nor then are orders for their attendance given blank. 3 *Grey*, 51.

When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or chairman, who repeats the question to

the person, or says to him, "You hear the question—answer it." But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved or put or debated while they are there. 2 *Hats.*, 108. Sometimes the questions are previously settled in writing before the witness enters. *Ib.*, 106, 107; 8 *Grey*, 64. The questions asked must be entered in the journals. 3 *Grey*, 81. But the testimony given in answer before the House is never written down; but before a committee, it must be, for the information of the House, who are not present to hear it. 7 *Grey*, 52, 334.

If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody. 3 *Hats.*, 52.

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar. *Four. H. of C., Jan. 22, 1744–5.*

Either House may request, but not command, the attendance of a member of the other. They are to make the request by message of the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives leave to the member to attend, if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the peers are sitting as a court of criminal judicature, they may order attendance, unless where it be a case of impeachment by the Commons. There, it is to be a request. 3 *Hats.*, 17; 9 *Grey*, 306, 406; 10 *Grey*, 133.

Counsel are to be heard only on private, not on public bills, and on such points of law only as the House shall direct. 10 *Grey*, 61.

SEC. XIV.—ARRANGEMENT OF BUSINESS.

The Speaker is not precisely bound to any rules as to what bills or other matter shall be first taken up; but it is left to his own discretion, unless the House on a question decide to take up a particular subject. *Hakew.*, 136.

A settled order of business is, however, necessary for the government of the presiding person, and to restrain individual members

from calling up favorite measures, or matters under their special patronage, out of their just turn. It is useful also for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others, having priority of right to their attention in the general order of business.

In Senate, the bills and other papers which are in possession of the House, and in a state to be acted on, are arranged every morning and brought on in the following order :

1. Bills ready for a second reading are read, that they may be referred to committees, and so be put under way. But if, on their being read, no motion is made for commitment, they are then laid on the table in the general file, to be taken up in their just turn.
2. After 12 o'clock, bills ready for it are put on their passage.
3. Reports in possession of the House, which offer grounds for a bill, are to be taken up, that the bill may be ordered in.
4. Bills or other matters before the House, and unfinished on the preceding day, whether taken up in turn or on special order, are entitled to be resumed and passed on through their present stage.
5. These matters being dispatched, for preparing and expediting business, the general file of bills and other papers is then taken up, and each article of it is brought on according to its seniority, reckoned by the date of its first introduction to the House. Reports on bills belong to the dates of their bills.

The arrangement of the business of the Senate is now as follows : *

1. Motions previously submitted.
2. Reports of committees previously made.
3. Bills from the House of Representatives, and those introduced on leave, which have been read the first time, are read the second time ; and if not referred to a committee, are considered in Committee of the Whole, and proceeded with as in other cases.
4. After twelve o'clock, engrossed bills of the Senate, and bills of the House of Representatives, on third reading, are put on their passage.
5. If the above are finished before one o'clock, the general file of bills, consisting of those reported from committees on the second

* This arrangement is changed by the VIIth, VIIIth, and IXth rules.

reading, and those reported from committees after having been referred, are taken up in the order in which they were reported to the Senate by the respective committees.

6. At one o'clock, if no business be pending, or if no motion be made to proceed to other business, the special orders are called, at the head of which stands the unfinished business of the preceding day.

In this way we do not waste our time in debating what shall be taken up. We do one thing at a time; follow up a subject while it is fresh, and till it is done with; clear the House of business gradually as it is brought on, and prevent, to a certain degree, its immense accumulation toward the close of the session.

Arrangement, however, can only take hold of matters in possession of the House. New matter may be moved at any time when no question is before the House. Such are original motions and reports on bills. Such are bills from the other House, which are received at all times, and receive their first reading as soon as the question then before the House is disposed of; and bills brought in on leave, which are read first whenever presented. So messages from the other House respecting amendments to bills are taken up as soon as the House is clear of a question, unless they require to be printed, for better consideration. Orders of the day may be called for, even when another question is before the House.

SEC. XV.—ORDER.

Each House may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member. *Const.*, I, 5.

In Parliament, "instances make order," per Speaker Onslow. 2 *Hats.*, 141. But what is done only by one Parliament, cannot be called custom of Parliament, by Prynne. 1 *Grey*, 52.

SEC. XVI.—ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, accounts, or papers be taken from the table or out of his custody. 2 *Hats.*, 193, 194.

Jefferson's Manual.

r. Prynn, having at a Committee of the Whole amended a mis-
sion in a bill without order or knowledge of the committee, was reprimanded. 1 *Chand.*, 77.

A bill being missing, the House resolved that a protestation should be made and subscribed by the members "before Almighty God, and his honorable House, that neither myself, nor any other to my knowledge, have taken away, or do at this present conceal a bill entitled," &c. 5 *Grey*, 202.

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let any one have it to look into. *Town. col.*, 209.

SEC. XVII.—ORDER IN DEBATE.

When the Speaker is seated in his chair, every member is to sit in his place. *Scob.*, 6; *Grey*, 403.

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. *Scob.*, 6; *D' Ewes*, 487, *col.* 1; 2 *Hats*, 77; 4 *Grey*, 66; 8 *Grey*, 108. But members who are indisposed may be indulged to speak sitting. 2 *Hats.*, 75, 77; 1 *Grey*, 143.

[In the Senate.]

Rule XIX.

1. When a Senator desires to speak he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any question in debate on the same day without leave of the Senate; which shall be determined without debate.
2. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order. If a Senator shall be called to order he shall sit in order; which mo

3. *If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.*

When a member stands up to speak, no question is to be put, but he is to be heard unless the House overrule him. 4 *Grey*, 390; 5 *Grey*, 6, 143.

If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, "which member was first up"?* 2 *Hats.*, 76; *Scob.*, 7; *D'Ewes*, 434, col. 1, 2.

In the Senate of the United States the President's decision is without appeal.

No man may speak more than once on the same bill on the same day; or even on another day, if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading. *Co.*, 12, 115; *Hakew.*, 148; *Scob.*, 58; 2 *Hats.*, 75. Even a change of opinion does not give a right to be heard a second time. *Smyth's Comw. L.*, 2, c. 3; *Arcan. Parl.*, 17.

But he may be permitted to speak again to clear a matter of fact, 3 *Grey*, 357, 416; or merely to explain himself, 2 *Hats.*, 73, in some material part of his speech, *Ib.*, 75; or to the manner or words of the question, keeping himself to that only, and not traveling into the merits of it, *Memorials in Hakew.*, 29; or to the orders of the House, if they be transgressed, keeping within that line, and not falling into the matter itself. *Mem. Hakew.*, 30, 31.

But if the Speaker rise to speak, the member standing up ought to sit down, that he may be first heard. *Town.*, col. 205; *Hale Parl.*, 133; *Mem. in Hakew.*, 30, 31. Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact. 3 *Grey*, 38.

* See ante, Rule XIX, clause 1, for present practice in the Senate.

Jefferson's Manual.

No one is to speak impertinently or beside the question, superfluous, or tediously. *Scob.*, 31, 33; 2 *Hats.*, 166, 168; *Hale Parl.*, 133.

No person is to use indecent language against the proceedings of the House; no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. 2 *Hats.*, 169, 170; *Rushw.*, p. 3, v. 1, fol. 42. But while a proposition under consideration is still *in fieri*, though it has even been reported by a committee, reflections on it are no reflections on the House. 9 *Grey*, 508.

No person, in speaking, is to mention a member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question, &c., *Mem. in Hakew.*, 3; *Smyth's Comw.*, L. 2 c. 3; nor to digress from the matter to fall upon the person, *Scob.*, 31; *Hale Parl.*, 133; 2 *Hats.*, 166, by speaking, reviling, nipping, or unmannerly words against a particular member. *Smyth's Comw.*, L. 2, c. 3. The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order. *Qui digreditur a materia ad personam*, Mr. Speaker ought to suppress. *Ord. Com.*, 1604, Apr. 19.

No one is to disturb another in his speech by hissing, coughing, spitting, 6 *Grey*, 332; *Scob.*, 8; *D'Ewes*, 332, col. 1, 640, col. 2, speaking or whispering to another, *Scob.* 6; *D'Ewes*, 487, col. 1; nor stand up to interrupt him, *Town.*, col. 205; *Mem. in Hakew.*, 31; nor to pass between the Speaker and the speaking member, nor to go across the House, *Scob.*, 6, or to walk up and down it, or to take books or papers from the table, or write there, 2 *Hats.*, 171.

Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattentive to a member who says anything worth their hearing. 2 *Hats.*, 77, 78.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity; where

upon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offense committed; and the House considers the degree of punishment they will inflict. 2 *Hats.*, 167, 7, 8, 172.

For instances of assaults and affrays in the House of Commons, and the proceedings thereon, see 1 *Pet. Misc.*, 82; 3 *Grey*, 128; 4 *Grey*, 328; 5 *Grey*, 382; 6 *Grey*, 254; 10 *Grey*, 8. Whenever warm words or an assault have passed between members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel, 3 *Grey*, 128, 293; 5 *Grey*, 280; or orders them to attend the Speaker, who is to accommodate their differences, and report to the House, 3 *Grey*, 419; and they are put under restraint if they refuse, or until they do. 9 *Grey*, 234, 312.

Disorderly words are not to be noticed till the member has finished his speech. 5 *Grey*, 356; 6 *Grey*, 60. Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes; but if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then a part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. 2 *Hats.*, 199; 4 *Grey*, 170; 6 *Grey*, 59. When any member has spoken, or other business intervened, after offensive words spoken, they cannot be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down at any time the same day. 2 *Hats.*, 196; *Mem. in Hakew.*, 71; 3 *Grey*, 48; 9 *Grey*, 514.

Jefferson's Manual.

Disorderly words spoken in a committee must be written down as the House; but the committee can only report them to the House or animadversion. 6 *Grey*, 46.

In Parliament, to speak irreverently or seditiously against the King, is against order. (See ante, *Rule XIX, Clauses 2 and 3.*)

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. 8 *Grey*, 22.

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. 3 *Hats.*, 51.

No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. 2 *Hats.*, 219. The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that to what points he is to direct his exculpation, he may be heard to those points before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order or matter arising in the debate, then the charge must be stated (that is, the question must be moved), himself heard, and then to withdraw. 2 *Hats.*, 121, 122.

Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to. 2 *Hats.*, 119, 121; 6 *Grey*, 368.

No member is to come into the House with his head covered, nor to remove from one place to another with his hat on, nor is to put on his hat in coming in or removing, until he be set down in his place. *Scob.*, 6.

A question of order may be adjourned to give time to look into precedents. 2 *Hats.*, 118.

In Parliament, all decisions of the Speaker may be controlled by the House. 3 *Grey*, 319.

SEC. XVIII.— ORDERS OF THE HOUSE.

Of right, the door of the House ought not to be shut, but to be kept by porters, or Sergeants-at-Arms, assigned for that purpose. *Mod ten. Parl.*, 23.

[*In the Senate.*]

Rule XXXV.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, requiring secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

The only case where a member has a right to insist on anything, is where he calls for the execution of a subsisting order of the House. Here, there having been already a resolution, any person has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose; or to have the House told when there is not a quorum present. 2 *Hats.*, 87, 129. How far an order of the House is binding, see *Hakew.*, 392.

But where an order is made that any particular matter be taken up on a particular day, there a question is to be put, when it is called for, whether the House will now proceed to that matter? Where orders of the day are on important or interesting matter, they ought not to be proceeded on till an hour at which the House is usually full [*which in Senate is at noon*].

[*In the Senate.*]

Rule X.

1. *Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.*

2. *When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.*

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

Orders of the day may be discharged at any time, and a new one made for a different day. 3 *Grey*, 48, 313.

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes comes to a resolution that no new bill be brought in, except it be sent from the other House. 3 *Grey*, 156.

All orders of the House determine with the session; and one taken under such an order may, after the session is ended, be discharged on a habeas corpus. *Raym.*, 120; *Jacob's L. D. by Ruffhead; Parliament*, 1 *Lev.*, 165, *Pitchara's case*.

Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases (legislative, executive, or judiciary) submitted to them by the Constitution, or in something relating to these, and necessary toward their execution. But orders and resolutions are sometimes entered in the journals having no relation to these, such as acceptances of invitations to

attend orations, to take part in procession, &c. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are therefore, perhaps, improperly placed among the records of the House.

SEC. XIX.—PETITION.

A petition prays something. A remonstrance has no prayer. 1 *Grey*, 58.

Petitions must be subscribed by the petitioners, *Scob.*, 87; *L. Parl.*, c. 22; 9 *Grey*, 362, unless they are attending, 1 *Grey*, 401, or unable to sign, and averred by a member, 3 *Grey*, 418. But a petition not subscribed, but which the member presenting it affirmed to be all in the handwriting of the petitioner, and his name written in the beginning, was on the question (March 14, 1800) received by the Senate. The averment of a member, or of somebody without doors, that they know the handwriting of the petitioners, is necessary, if it be questioned. 6 *Grey*, 36. It must be presented by a member—not by the petitioners, and must be opened by him holding it in his hand. 10 *Grey*, 57.

[In the Senate.]

Rule VII—Clauses 3, 4.

3. *Every petition or memorial shall be referred, without putting the question, unless objections to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.*

4. *Before any petition or memorial shall be received, it shall be signed by the petitioner or memorialist, and a brief statement of its contents made by the Presiding Officer or Senator presenting it. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.*

Regularly a motion for receiving it must be made and seconded, and a question put, whether it shall be received? but a cry from the House of “received,” or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

SEC. XX.—MOTIONS.

When a motion has been made, it is not to be put to the question or debated until it is seconded. *Scob.*, 21.

It is then, and not till then, in possession of the House, and cannot be withdrawn but by leave of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker as often as any member desires it for his information. 2 *Hats.*, 82.

[*In the Senate.*]

Rule XXI.

1. *All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.*

2. *Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.*

It might be asked whether a motion for adjournment or for the orders of the day can be made by one member while another is speaking? It can not. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another to interrupt him, unless by calling him to order if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the Chair. Such calls are themselves breaches of order, which, though the member who has risen may respect, as an expression of impatience of the House against further debate, yet, if he chooses, he has a right to go on.

SEC. XXI.—RESOLUTIONS.

When the House commands, it is by an "order." But fact, principles, and their own opinions and purposes, are expressed in the form of resolutions.

A resolution for an allowance of money to the clerks being moved, it was objected to as not in order, and so ruled by the Chair; but on

appeal to the Senate (*i. e.*, a call for their sense by the President, on account of doubt in his mind, according to Rule XX, clause 2), the decision was overruled. *Four. Senate, June 1, 1796.* I presume the doubt was, whether an allowance of money could be made otherwise than by bill.

SEC. XXII.—BILLS.

[*In the Senate.*]

Rule XIV—Clause 2.

2. *Every bill and joint resolution shall receive three readings previous to its passage; which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third.*

SEC. XXIII.—BILLS, LEAVE TO BRING IN.

When a member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill, entitled, &c. Leave being given, on the question, a committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed of this committee, and one or more in addition. *Hakew.*, 132; *Scob.*, 40. It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it. *Scob.*, 41; 1 *Grey*, 82, 84.

[*In the Senate.*]

Rule XIV—Clause 1.

1. *Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.*

SEC. XXIV.—BILLS, FIRST READING.

When a bill is first presented, the Clerk reads it at the table, and hands it to the Speaker, who, rising, states to the House the title of the bill; that this is the first time of reading it; and the question will be, whether it shall be read a second time? then sitting down to give an opening for objections. If none be made, he rises again, and puts the question, whether it shall be read a second time? *Hakew.*, 137, 141. A bill cannot be amended on the first reading, 6 *Grey*, 286; nor is it usual for it to be opposed then, but it may be done, and rejected. *D'Ewes*, 335, col. 1; 3 *Hats.*, 198.

SEC. XXV.—BILLS, SECOND READING.

The second reading must regularly be on another day. *Hakew.*, 143. It is done by the Clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill; that this is the second time of reading it; and that the question will be, whether it shall be committed, or engrossed and read a third time? But if the bill came from the other House, as it always comes engrossed, he states that the question will be, whether it shall be read a third time? and before he has so reported the state of the bill, no one is to speak to it. *Hakew.*, 143, 146.

[In the Senate.]

RULE XIV—Clause 3.

3. *No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day as in Committee of the Whole, nor debated, except for reference, unless by unanimous consent.*

In the Senate of the United States, the President reports the title of the bill; that this is the second time of reading it; that it is now to be considered as in a Committee of the Whole; and the question will be, whether it shall be read a third time? or that it may be referred to a special committee?

SEC. XXVI.—BILLS, COMMITMENT.

If on motion and question it be decided that the bill shall be committed, it may then be moved to be referred to Committee of the Whole House, or to a special committee. If the latter, the Speaker proceeds to name the committee. Any member also may name a single person, and the Clerk is to write him down as of the committee. But the House have a controlling power over the names and number, if a question be moved against any one; and may in any case put in and put out whom they please.

[In the Senate.]

RULE XXVI—Clause 1.

1. *When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing*

committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill; for he that would totally destroy will not amend it, *Hakew.*, 146; *Town.*, col., 208; *D'Ewes*, 634, col. 2; *Scob.*, 47; or, as is said, 5 *Grey*, 145, the child is not to be put to a nurse that cares not for it, 6 *Grey*, 373. It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself. *Scob.*, 46.

The Clerk may deliver the bill to any member of the committee, *Town.*, col. 138; but it is usual to deliver it to him who is first named.

In some cases the House has ordered a committee to withdraw immediately into the committee chamber, and act on and bring back the bill, sitting the House. *Scob.*, 48. A committee meet when and where they please, if the House has not ordered time and place for them, 6 *Grey*, 370; but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

A majority of the committee constitutes a quorum for business. *Elsynge's Method of Passing Bills*, 11.

Any member of the House may be present at any select committee, but cannot vote, and must give place to all of the committee, and sit below them. *Elsynge*, 12; *Scob.*, 49.

The committee have full power over the bill or other paper committed to them, except that they cannot change the title or subject. 8 *Grey*, 228.

The paper before a committee, whether select or of the whole, may be a bill, resolutions, draught of an address, &c., and it may either originate with them or be referred to them. In every case the whole paper is read first by the Clerk, and then by the chairman, by paragraphs, *Scob.*, 49, pausing at the end of each paragraph, and

putting questions for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended or unamended, and no final question on the whole, 3 *Hats.*, 276; but if they relate to the same subject, a question is put on the whole. If it be a bill, draught of an address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed; but no question on agreeing to the paragraphs separately; this is reserved to the close, when a question is put on the whole, for agreeing to it as amended or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole; because all parts of the paper, having been adopted by the House, stand, of course, unless altered or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order in considering and amending any paper is, to begin at the beginning, and proceed through it by paragraphs; and this order is so strictly adhered to in Parliament, that when a latter part has been amended, you cannot recur back and make any alteration in a former part. 2 *Hats.*, 90. In numerous assemblies this restraint is doubtless important. But in the Senate of the United States, though in the main we consider and amend the paragraphs in their natural order, yet recurrences are indulged; and they seem, on the whole, in that small body, to produce advantages outweighing their inconveniences.

To this natural order of beginning at the beginning, there is a single exception found in parliamentary usage. When a bill is taken up in committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill such alterations may therein be made as may also occasion the alteration of the preamble. *Scob.*, 50; 7 *Grey*, 431.

On this head the following case occurred in the Senate, March 6, 1800: A resolution which had no preamble having been already

amended by the House so that a few words only of the original remained in it, a motion was made to prefix a preamble, which having an aspect very different from the resolution, the mover intimated that he should afterwards propose a correspondent amendment in the body of the resolution. It was objected that a preamble could not be taken up till the body of the resolution is done with; but the preamble was received, because we are in fact through the body of the resolution; we have amended that as far as amendments have been offered, and, indeed, till little of the original is left. It is the proper time, therefore, to consider a preamble; and whether the one offered be consistent with the resolution is for the House to determine. The mover, indeed, has intimated that he shall offer a subsequent proposition for the body of the resolution; but the House is not in possession of it; it remains in his breast, and may be withheld. The rules of the House can only operate on what is before them. The practice of the Senate, too, allows recurrences backward and forward for the purpose of amendment, not permitting amendments in a subsequent to preclude those in a prior part, or *e converso*.

[In the Senate.]

Rule XXIII.

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

When the committee is through the whole, a member moves that the committee may rise, and the chairman report the paper to the House, with or without amendments, as the case may be. 2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50.

When a vote is once passed in a committee, it cannot be altered but by the House, their votes being binding on themselves. 1607, June 4.

The committee may not erase, interline, or blot the bill itself: but must, in a paper by itself set down the amendments, stating the words which are to be inserted or omitted, Scob., 50, and where, by references to page, line, and word of the bill. Scob., 50.

SEC. XXVII.—REPORT OF COMMITTEE.

The chairman of the committee, standing in his place, informs the House that the committee to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same without any amendment, or with sundry amendments (as the case may be), which he is ready to do when the House pleases to receive it. And he or any other may move that it be now received; but the cry of "now, now," from the House, generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it at the Clerk's table, where the amendments reported are read by the Clerk without the coherence; whereupon the papers lie upon the table till the House, at its convenience, shall take up the report. *Scob.*, 52; *Hakew.*, 148.

[*In the Senate.*]

Rule XXVI—Clause 2.

2. *All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.*

The report being made, the committee is dissolved, and can act no more without a new power. *Scob.*, 51. But it may be revived by a vote, and the same matter recommitted to them. 4 *Grey*, 361.

SEC. XXVIII.—BILL, RECOMMITMENT.

After a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted; but in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same committee. *Hakew.*, 151. If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before the committee, and a new resolution must be again moved, as if nothing had passed. 3 *Hats.*, 131—*note*.

In Senate, January, 1800, the salvage bill was recommitted three times after the commitment.

A particular clause of a bill may be committed without the whole bill, 3 *Hats.*, 131; or so much of a paper to one and so much to another committee.

SEC. XXIX.—BILL, REPORTS TAKEN UP.

When the report of a paper originating with a committee is taken up by the House, they proceed exactly as in committee. Here, as in committee, when the paragraphs have, on distinct questions, been agreed to *seriatim*, 5 *Grey*, 366; 6 *Grey*, 368; 8 *Grey*, 47, 104, 360; 1 *Torbeck's Deb.*, 125; 3 *Hats.*, 348, no question needs be put on the whole report. 5 *Grey*, 381.

On taking up a bill reported with amendments, the amendments only are read by the Clerk. The Speaker then reads the first, and puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. *Elsynge's Mem.*, 53. When through the amendments of the committee, the Speaker pauses, and gives time for amendments to be proposed in the House to the body of the bill; as he does also if it has been reported without amendments; putting no questions but on amendments proposed; and when through the whole, he puts the question whether the bill shall be read a third time?

SEC. XXX.—QUASI-COMMITTEE.

If on motion and question the bill be not committed, or if no proposition for commitment be made, then the proceedings in the Senate of the United States and in Parliament are totally different. The former shall be first stated.

[In the Senate.]

Rule XV—Clauses 1, 2.

1. *All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed.*

2. *When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the pas-*

sage of any bill or resolution, to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calendar, and when again considered by the Senate, it shall be as in Committee of the Whole.

The proceeding of the Senate as in a Committee of the Whole, or in quasi-committee, is precisely as in a real Committee of the Whole, taking no question but on amendments. When through the whole, they consider the quasi-committee as risen, the House resumed without any motion, question, or resolution to that effect, and the President reports that "the House, acting as in a Committee of the Whole, have had under their consideration the bill entitled, &c., and have made sundry amendments, which he will now report to the House." The bill is then before them, as it would have been if reported from a committee, and the questions are regularly to be put again on every amendment; which being gone through, the President pauses to give time to the House to propose amendments to the body of the bill, and, when through, puts the question whether it shall be read a third time?

After progress in amending the bill in quasi-committee, a motion may be made to refer it to a special committee. If the motion prevails, it is equivalent in effect to the several votes, that the committee rise, the House resume itself, discharge the Committee of the Whole, and refer the bill to a special committee. In that case, the amendments already made fall. But if the motion fails, the quasi-committee stands *in statu quo*.

How far does this XVth rule subject the House, when in quasi-committee, to the laws which regulate the proceedings of Committees of the Whole? The particulars in which these differ from proceedings in the House are the following: 1. In a committee every member may speak as often as he pleases. 2. The votes of a committee may be rejected or altered when reported to the House. 3. A committee, even of the whole, cannot refer any matter to another committee. 4. In a committee no previous question can be taken; the only means to avoid an improper discussion is to move that the committee rise; and if it be apprehended that the same discussion will be attempted on returning into committee, the House can dis-

charge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A committee cannot punish a breach of order in the House or in the gallery. 9 *Grey*, 113. It can only rise and report it to the House, who may proceed to punish. The first and second of these peculiarities attach to the quasi-committee of the Senate, as every day's practice proves, and it seems to be the only ones to which the XXVth rule meant to subject them; for it continues to be a House, and, therefore, though it acts in some respects as a committee, in others it preserves its character as a House. Thus (3) it is in the daily habit of referring its business to a special committee. 4. It admits of the previous question. If it did not, it would have no means of preventing an improper discussion; not being able, as a committee is, to avoid it by returning into the House, for the moment it would resume the same subject there, the XXVth rule declares it again a quasi-committee. 5. It would doubtless exercise its powers as a House on any breach of order. 6. It takes a question by yea and nay, as the House does. 7. It receives messages from the President and the other House. 8. In the midst of a debate it receives a motion to adjourn, and adjourns as a House, not as a committee.

SEC. XXXI.—BILL, SECOND READING IN THE HOUSE.

In Parliament, after the bill has been read a second time, if on the motion and question it be not committed, or if no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and when through the whole, he puts the question whether it shall be read a third time, if it came from the other House; or, if originating with themselves, whether it shall be engrossed and read a third time? The Speaker reads sitting, but rises to put questions. The Clerk stands while he reads.

* But the Senate of the United States is so much in the habit of making many and material amendments at the third reading, that it

** Under the present rules of the Senate (Rule XV, Clause 2) no measure can be amended after it has been ordered to be read a third time, unless by unanimous consent, but as matter of fact the engrossment is not made until the measure has finally passed.*

has become the practice not to engross a bill till it has passed—an irregular and dangerous practice; because in this way the paper which passes the Senate is not that which goes to the other House, and that which goes to the other House as the act of the Senate, has never been seen in Senate. In reducing numerous, difficult, and illegible amendments into the text, the Secretary may, with the most innocent intentions, commit errors which can never again be corrected.

The bill being now as perfect as its friends can make it, this is the proper stage for those fundamentally opposed to make their first attack. All attempts at earlier periods are with disjointed efforts, because many who do not expect to be in favor of the bill ultimately, are willing to let it go on to its perfect state, to take time to examine it themselves and to hear what can be said for it, knowing that after all they will have sufficient opportunities of giving it their veto. Its two last stages, therefore, are reserved for this—that is to say, on the question whether it shall be engrossed and read a third time? and, lastly, whether it shall pass? The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents, and it behooves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question, whether it shall pass?

When the bill is engrossed, the title is to be indorsed on the back, and not within the bill.—*Hakew*, 250.

SEC. XXXII.—READING PAPERS.

Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them; but it is a great though common error to suppose that he has a right, *toties quoties*, to have acts, journals, accounts, or papers on the table, read independently of the will of the House. The delay and interruption which

this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put.—2 *Hats.*, 117, 118.

[In the Senate.]

Rule XI.

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House.—*Ib.*

For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended.—2 *Grey*, 227.

A report of a committee of the Senate on a bill from the House of Representatives being under consideration: on motion that the report of the committee of the House of Representatives on the same bill be read in the Senate, it passed in the negative.—*Feb.* 28, 1793.

Formerly, when papers were referred to a committee, they used to be first read; but of late only the titles, unless a member insists they shall be read, and then nobody can oppose it.—2 *Hats.*, 117.

SEC. XXXIII.—PRIVILEGED QUESTIONS,

It is no possession of a bill unless it be delivered to the Clerk to read, or the Speaker reads the title.—*Lex. Parl.*, 274; *Elysinge Mem.*, 85; *Ord. House of Commons*, 64.

It is a general rule that the question first moved and seconded

shall be first put. *Scob.*, 28, 22; 2 *Hats.*, 81. But this rule gives way to what may be called privileged questions; and the privileged questions are of different grades among themselves.

A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion cannot be received after another question is actually put and while the House is engaged in voting.

[*In the Senate.*] *The present rules specify the motions entitled to preference as follows:*

Rule XXII.

When a question is pending no motion shall be received but—

To adjourn,

To adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain,

To take a recess,

To proceed to the consideration of executive business,

To lay on the table,

To postpone indefinitely,

To postpone to a day certain,

To commit,

To amend;

which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Rule IX.

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than two o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar, and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of Executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Orders of the day take place of all other questions, except for adjournment—that is to say, the question which is the subject of an order is made a privileged one, *pro hac vice*. The order is a repeal of the general rule as to this special case. When any member moves, therefore, for the order of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed it might continue through the day and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, “Whether the House will now proceed to the orders of the day?” they must be read and proceeded on in the course in which they stand, 2 *Hats.*, 83; for priority of order gives priority of right, which can not be taken away but by another special order.

After these there are other privileged questions, which will require considerable explanation.

It is proper that every parliamentary assembly should have certain forms of questions, so adapted as to enable them fitly to dispose of every proposition which can be made to them. Such are, 1. The previous question. 2. To postpone indefinitely. 3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppressing for that time the motion and its discussion. 3 *Hats.*, 188, 189.

2. But as the previous question gets rid of it only for that day,

Second class. If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, commitment or amendment; but if decided negatively (that it shall not be postponed), the main question may then be suppressed by the previous question, or may be committed, or amended.

The third class is subject to the same observations as the second.

The fourth class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amendment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put; because, in truth, it facilitates and befriends the motion to amend. *Scobell* is express: "On motion to amend a bill, any one may notwithstanding move to commit it, and the question for commitment shall be first put." *Scob.*, 46.

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both are moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one, *e. g.*:

Suppose a motion to postpone, commit, or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed: because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way—by deciding against the postponement, commitment, or amendment. 2 *Hats.*, 81, 2, 3, 4.

Suppose a motion for the previous question, or commitment or amendment of the main question, and that it be then moved to post-

pone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment, or amendment, alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of Senate says that when a main question is before the House no motion shall be received but to commit, amend, or pre-question the original question, which is the parliamentary doctrine also. Therefore the motion to postpone the secondary motion for the previous question, or for committing or amending, can not be received. 2. This is a piling of questions one on another; which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment, or amendment.

Suppose a commitment moved of a motion for the previous question, or to postpone or amend. The first, second, and third reasons, before stated, all hold good against this.

Suppose an amendment moved to a motion for the previous question. Answer: The previous question can not be amended. Parliamentary usage, as well as the ninth rule of the Senate, has fixed its form to be, "Shall the main question be now put?"—*i. e.*, at this instant; and as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example and without utility. But suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of an indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion: that is, we may amend a postponement of a main question. So, we may amend a commitment of a main question, as by adding, for example, "with instructions to inquire," &c. In like manner, if an amendment be moved to an amendment, it is admitted; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was

wished to be amended. In this form it becomes only an amendment to an amendment.

[*In the Senate.*]

Rule XXVI—Clause 1.

1. *When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.*

[In filling a blank with a sum, the largest sum shall be first put to the question, by the thirteenth rule of the Senate,*] contrary to the rule of Parliament, which privileges the smallest sum and longest time. 5 *Grey*, 179; 2 *Hats.*, 8, 83; 3 *Hats.*, 132, 133.] And this is considered to be not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to what day a postponement shall be, the number of a committee, amount of a fine, term of an imprisonment, term of irredeemability of a loan, or the terminus in quem in any other case; then the question must begin a maximo. Or whether the lesser includes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, when an act shall commence, or the terminus a quo in any other case where the question must begin a minimo; the object being not to begin at that extreme which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. 3 *Grey*, 376, 384, 385. "The fair question in this case is not that to which, and more, all will agree, but whether there shall be addition to the question." 1 *Grey*, 365.

Another exception to the rule of priority is when a motion has been made to strike out, or agree to, a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out or agreeing to the whole paragraph.

But there are several questions which, being incidental to every one, will take place of every one, privileged or not; to wit, a question

* This rule was dropped in the last revision.

of order arising out of any other question must be decided before that question. 2 *Hats.*, 88.

[In the Senate.]

Rule XX.

1. *A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate; when an appeal is taken, any subsequent question of order, which may arise before the decision of such appeal, shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.*

2. *The Presiding Officer may submit any question of order for the decision of the Senate.*

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supercedes the consideration of the original question, and must be first disposed of. 2 *Hats.*, 88.

Reading papers relative to the question before the House. This question must be put before the principal one. 2 *Hats.*, 88.

Leave asked to withdraw a motion. The rule of Parliament being that a motion made and seconded is in the possession of the House, and cannot be withdrawn without leave, the very terms of the rule imply that leave may be given, and, consequently, may be asked and put to the question.

SEC. XXXIV.—THE PREVIOUS QUESTION.

When any question is before the House, any member may move a previous question, "Whether that question (called the main question) shall now be put?" If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter. *Memor. in Hakew.*, 28; 4 *Grey*, 27.

The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put.

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. 2 *Hats.*, 80. Sir Henry Vane introduced it.

2 *Grey*, 113, 114; 3 *Grey*, 384. When the question was put in this form, "Shall the main question be put?" a determination in the negative suppressed the main question during the session; but since the words "now put" are used, they exclude it for the present only; formerly, indeed, only till the present debate was over, 4 *Grey*, 43, but now for that day and no longer. 2 *Grey*, 113, 114.

Before the question "Whether the main question shall now be put?" any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all. *Mem. in Hakew.*, 28.

The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, &c., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed; and in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases; but in these it has been an embarrassing procedure; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Whether a main question may be amended after the previous question on it has been moved and seconded? 2 *Hats.*, 88, says, if the previous question has been moved and seconded, and also proposed from the Chair, (by which he means stated by the Speaker for debate,) it has been doubted whether an amendment can be admitted to the main question. He thinks it may, after the previous question moved and seconded; but not after it has been proposed from the Chair. In this case, he thinks the friends to the amendment must vote that the main question be not now put; and then move their amended question, which being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question, by dividing its friends, some of whom may choose it unamended, rather than lose it altogether; while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies of the

main question, by this maneuver to the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support this opinion, too, he makes the deciding circumstance, whether an amendment may or may not be made, to be, that the previous question has been proposed from the Chair. But, as the rule is that the House is in possession of a question as soon as it is moved and seconded, it cannot be more than possessed of it by its being also proposed from the Chair. It may be said, indeed, that the object of the previous question being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend; and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated, by moving the amended question, as Mr. Hatsell proposes, after the decision against putting the original question. He acknowledges, too, that the practice has been to admit previous amendments, and only cites a few late instances to the contrary. On the whole, I should think it best to decide it *ab inconvenienti*, to wit: Which is most inconvenient, to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put unamended; or to put it in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience; inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question; and inasmuch also as so great a proportion of the cases in which the previous question is called for, are fair and proper subjects of public discussion, and ought not to be obstructed by a formality introduced for questions of a peculiar character.

SEC. XXXV.—AMENDMENTS.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment. *Scob.*, 23.

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the

competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves. 2 *Hats.*, 79; 4, 82, 84. A new bill may be ingrafted, by way of amendment, on the words "Be it enacted," &c. 1 *Grey*, 190, 192.

If it be proposed to amend by leaving out certain words, it may be moved, as an amendment to this amendment, to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill. 2 *Hats.*, 80, 9. The parliamentary question is, always, whether the words shall stand part of the bill.

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments before the question is put for inserting it. If it be received, it cannot be amended afterward, in the same stage, because the House has, on a vote, agreed to it in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If on the question it be retained, it cannot be amended afterward, because a vote against striking out is equivalent to a vote agreeing to it in that form.

When it is moved to amend by striking out certain words and inserting others, the manner of stating the question is first to read the whole passage to be amended as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others. 2 *Hats.*, 80, 7.

A motion is made to amend by striking out certain words and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others of a tenor entirely

different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible, because to strike out and insert A is one proposition. To strike out and insert B is a different proposition. And to strike out and insert nothing is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided by putting the question first on striking out, and that negatived; for, as putting the whole motion to the question at once would not have precluded, the putting the half of it cannot do it.*

[In the Senate.]

Rule XVIII.

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterward be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a

*In the case of a division of the question, and a decision against striking out, I advance doubtingly the opinion here expressed. I find no authority either way, and I know it may be viewed under a different aspect. It may be thought that, having decided separately not to strike out the passage, the same question for striking out cannot be put over again, though with a view to a different insertion. Still I think it more reasonable and convenient to consider the striking out and insertion as forming one proposition, but should readily yield to any evidence that the contrary is the practice in Parliament.

different proposition ; for then it is resolved into the common case of striking out a paragraph after amending it. Nor does anything forbid a new insertion, instead of A and its coherence.

In Senate, January 25, 1798, a motion to postpone until the second Tuesday in February some amendments proposed to the Constitution ; the words "until the second Tuesday in February" were struck out by way of amendment. Then it was moved to add, "until the first day of June." Objected that it was not in order, as the question should be first put on the longest time ; therefore, after a shorter time decided against, a longer cannot be put to question. It was answered that this rule takes place only in filling blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion ; and when struck out, a motion may be received to insert any other. In fact, it is not until they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the questions successively on the longest. Otherwise it would be in the power of the mover by inserting originally a short time, to preclude the possibility of a longer ; for till the short time is struck out, you cannot insert a longer ; and if, after it is struck out, you cannot do it, then it cannot be done at all. Suppose the first motion had been made to amend by striking out "the second Tuesday in February," and inserting instead thereof "the first of June," it would have been regular, then, to divide the question, by proposing first the question to strike out and then that to insert. Now this is precisely the effect of the present proceeding ; only, instead of one motion and two questions, there are two motions and two questions to effect it—the motion being divided as well as the question.

When the matter contained in two bills might be better put into one, the manner is to reject the one, and incorporate its matter into another bill by way of amendment. So if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment, and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands and another for inserting it in the place desired.

A bill passed by the one House with blanks. These may be filled up by the other by way of amendments, returned to the first as such, and passed. 3 *Hats.*, 83.

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that—the House or committee is only to amend the text.

SEC. XXXVI.—DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be divided into two or more questions. *Mem. in Hakew.*, 29. But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not—where it is complicated—into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House, on a question, unless the House orders it to be divided; as, on the question, December 2, 1640, making void the election of the knights for Worcester, on a motion it was resolved to make two questions of it, to wit, one on each knight. 2 *Hats.*, 85, 86. So, wherever there are several names in a question, they may be divided and put one by one. 9 *Grey*, 444. So, 1729, April 17, on an objection that a question was complicated, it was separated by amendment. 2 *Hats.*, 79.

The soundness of these observations will be evident from the embarrassments produced by the XVIII rule of the Senate, which says, “if the question in debate contains several points, any member may have the same divided.”

1798, May 30, the alien bill in quasi-committee. To a section and proviso in the original, had been added two new provisos by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last member of the section and the provisos, they cannot be divided so as to put the last member to question by itself, for the provisos might thus be left standing alone as exceptions to a rule when the rule is taken away;

or the new provisos might be left to a second question, after having been decided on once before at the same reading, which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions with the rule, and relieves from inconsistency. A question to be divisible must comprehend points so distinct and entire that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.

May 31.—The same bill being before the Senate. There was a proviso that the bill should not extend—1. To any foreign minister; nor, 2. To any person to whom the President should give a passport; nor, 3. To any alien merchant conforming himself to such regulations as the President shall prescribe; and a division of the question into its simplest elements was called for. It was divided into four parts, the 4th taking in the words “conforming himself,” &c. It was objected that the words “any alien merchant,” could not be separated from their modifying words, “conforming,” &c., because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the House having, on the question, retained the two first divisions, the words “any alien merchant” may be struck out, and their modifying words will then attach themselves to the preceding description of persons, and become a modification of that description.

When a question is divided, after the question on the 1st member, the 2d is open to debate and amendment; because it is a known rule that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half of the question, both affirmative and negative, remains still to be put. See *Execut. Jour.*, June 25, 1795. The same decision by President Adams.

SEC. XXXVII.—COEXISTING QUESTIONS.

It may be asked whether the House can be in possession of two motions or propositions at the same time? so that, one of them being

decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand *ipso facto* before them at their next meeting, but must come forward in the usual way. So, when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (*e. g.*, the previous question, postponement, or commitment), remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House, the rule being that when a motion has been made and seconded, no other can be received except it be a privileged one.

SEC. XXXVIII.—EQUIVALENT QUESTIONS.

If, on a question for rejection, a bill be retained, it passes, of course, to its next reading. *Hakew.*, 141; *Scob.*, 42. And a question for a second reading determined negatively, is a rejection without further question. 4 *Grey*, 149. And see *Elsynge's Memor.*, 42, in what cases questions are to be taken for rejection.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other. 4 *Grey*, 157. Thus the negative of striking out amounts to the affirmative of agreeing; and therefore to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

A bill originating in one House is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a vote of disagreement, or must the question on disagreement be expressly voted?

The question respecting amendments from another House are—1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere.

1st. To agree.

2d. To disagree.

} Either of these concludes the other necessarily, for the positive of either is exactly the equivalent to the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed; *e. g.*, if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede.

4th. To insist

5th. To adhere.

} You may then either insist or adhere.
 } You may then either recede or adhere.
 } You may then either recede or insist.

Consequently the negative of these is not equivalent to a positive vote, the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote; for two alternatives still remain, either of which may be adopted by the House.

SEC. XXXIX.—THE QUESTION.

The question is to be put first on the affirmative, and then on the negative side.

After the Speaker has put the affirmative part of the question, any member who has not spoken before to the question may rise and speak before the negative be put; because it is no full question till the negative part be put. *Scob.*, 23; 2 *Hats.*, 73.

But in small matters, and which are of course, such as receiving petitions, reports, withdrawing motions, reading papers, &c., the Speaker most commonly supposes the consent of the House where no objection is expressed, and does not give them the trouble of putting the question formally. *Scob.*, 22; 2 *Hats.*, 79, 2, 87; 5 *Grey*, 129; 9 *Grey*, 301.

SEC. XL.—BILLS, THIRD READING.

To prevent bills from being passed by surprise, the House, by a standing order, directs that they shall not be put on their passage before a fixed hour, naming one at which the house is commonly full. *Hakew.*, 153.

The usage of the Senate is, not to put bills on their passage till noon.

A bill reported and passed to the third reading, cannot on that day be read the third time and passed; because this would be to pass on two readings in the same day.

At the third reading the Clerk reads the bill and delivers it to the Speaker, who states the title, that it is the third time of reading the bill, and that the question will be whether it shall pass. Formerly the Speaker, or those who prepared a bill, prepared also a breviate or summary statement of its contents, which the Speaker read when he declared the state of the bill, at the several readings. Sometimes, however, he read the bill itself, especially on its passage. *Hakew.*, 136, 137, 153; *Coke*, 22, 115. Latterly, instead of this, he, at the third reading, states the whole contents of the bill verbatim, only, instead of reading the formal parts, "Be it enacted," &c., he states that "preamble recites so and so—the 1st section enacts that, &c.; the 2d section enacts," &c.

But in the Senate of the United States, both of these formalities are dispensed with; the breviate presenting but an imperfect view of the bill, and being capable of being made to present a false one; and the full statement being a useless waste of time, immediately after a full reading by the Clerk, and especially as every member has a printed copy in his hand.

A bill on the third reading is not to be committed for the matter or body thereof, but to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. *Hakew.*, 156. Thus, 27 *El.*, 1584, a bill was committed on the third reading, having been formerly committed on the second, but is declared not usual. *D'Ewes*, 337, *col.* 2; 414, *col.* 2.

When an essential provision has been omitted, rather than erase the bill and render it suspicious, they add a clause on a separate

paper, engrossed and called a rider, which is read and put to the question three times. *Elsynge's Memo.*, 59; 6 *Grey*, 335; 1 *Blackst.*, 183. For examples of riders, see 3 *Hats.*, 121, 122, 124, 156. Every one is at liberty to bring in a rider without asking leave. 10 *Grey*, 52.

It is laid down, as a general rule, that amendments proposed at the second reading shall be twice read, and those proposed at the third reading thrice read; as also all amendments from the other House. *Town.*, col. 19, 23, 24, 25, 26, 27, 28.

It is with great and almost invincible reluctance that amendments are admitted at this reading, which occasion erasures or interlineations. Sometimes a proviso has been cut off from a bill; sometimes erased. 9 *Grey*, 513.

This is the proper stage for filling up blanks; for if filled up before, and now altered by erasure, it would be peculiarly unsafe.

At this reading the bill is debated afresh, and for the most part is more spoken to at this time than on any of the former readings. *Hakew.*, 1: 3.

The debate on the question whether it should be read a third time, has discovered to its friends and opponents the arguments on which each side relies, and which of these appear to have influence with the House; they have had time to meet them with new arguments, and to put their old ones into new shapes. The former vote has tried the strength of the first opinion, and furnished grounds to estimate the issue; and the question now offered for its passage is the last occasion which is ever to be offered for carrying or rejecting it.

When the debate is ended, the Speaker, holding the bill in his hand, puts the question for its passage, by saying, "Gentlemen, all you who are of opinion that this bill shall pass, say aye;" and after the answer of the ayes, "All those of the contrary opinion, say no." *Hakew.*, 154.

After the bill is passed, there can be no further alteration of it in any point. *Hakew.*, 159.

SEC. XLI.—DIVISION OF THE HOUSE.

The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays

have it by the sound, if he be himself satisfied, and it stands as the judgment of the House. But if he be not himself satisfied which voice is the greater, or if before any other member comes into the House, or before any new motion made (for it is too late after that), any member shall rise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House. *Scob.*, 24; 2 *Hats.*, 140.

When the House of Commons is divided, the one party goes forth, and the other remains in the House. This has made it important which go forth and which remain; because the latter gain all the indolent, the indifferent, and inattentive. Their general rule, therefore, is that those who give their vote for the preservation of the orders of the House shall stay in, and those who are for introducing any new matter or alteration, or proceeding contrary to the established course, are to go out. But this rule is subject to many exceptions and modifications. 2 *Hats.*, 134; 1 *Rush.*, p. 3, fol. 92; *Scob.*, 43, 52; *Co.*, 12, 116; *D'Ewes*, 505, col. 1; *Mem. in Hakew.*, 25, 29; as will appear by the following statement of who go forth:

Petition that it be received*	} Ayes.
Read	
Lie on the table	} Noes.
Rejected after refusal to lie on table	
Referred to a committee, or further proceeding..	Ayes.
Bill, that it be brought in.....	
Read first or second time.....	
Engrossed or read third time.....	} Ayes.
Proceeding on every other stage	
Committed.....	
To Committee of the Whole.....	Noes.
To a select committee.....	Ayes.
Report of bill to lie on table.....	Noes.
Be <i>now</i> read	} Ayes.
Be taken into consideration three months hence..	} 30, P. J. 251.
Amendments to be read a second time	Noes.

* Noes. 9 Grey, 365.

Clause offered on report of bill be read second time	Ayes.	
For receiving a clause	}	334.
With amendments be engrossed		395.
That a bill be <i>now</i> read a third time	Noes.	398.
Receive a rider	}	260.
Pass		Ayes. 259.
Be printed		
Committees. That A take the chair	}	
To agree to the whole or any part of report		
That the House do <i>now</i> resolve into committee		
Speaker. That he now leave the chair, after order to go into committee	Noes.	291.
That he issue warrant for a new writ	}	
Member. That none be absent without leave		
Witness. That he be further examined	Ayes.	344.
Previous question	Noes.	
Blanks. That they be filled with the largest sum	}	Ayes.
Amendments. That words stand part of		
Lords. That their amendment be read a second time	Noes.	
Messenger be received	}	Ayes.
Orders of day to be now read, if before 2 o'clock		
If after 2 o'clock	Noes.	
Adjournment. Till the next sitting day, if before 4 o'clock	}	Ayes.
If after 4 o'clock		Noes.
Over a sitting day (unless a previous resolution)	Ayes.	
Over the 30th of January	Noes.	
For sitting on Sunday, or any other day not being a sitting day	}	Ayes.

The one party being gone forth, the Speaker names two tellers from the affirmative and two from the negative side, who first count those sitting in the House and report the number to the Speaker. Then they place themselves within the door, two on each side, and count those who went forth as they come in, and report the number to the Speaker. *Mem. in Hakew., 26*

A mistake in the report of the tellers may be rectified after the report made. 2 *Hats.*, 145, *note*.

But in both Houses of Congress all these intricacies are avoided. The ayes first rise, and are counted standing in their places by the President or Speaker. Then they sit, and the noes rise and are counted in like manner.

In Senate, if they be equally divided, the Vice-President announces his opinion, which decides.

The Constitution, however, has directed that "the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of these present, be entered on the journal." And again: that in all cases of reconsidering a bill disapproved by the President and returned with his objections, "the votes of both Houses shall be determined by yeas and nays, and the names of persons voting for and against the bill shall be entered on the journals of each House respectively."

When it is proposed to take the vote by yeas and nays, the President or Speaker states that "the question is whether, *e. g.*, the bill shall pass—that it is proposed that the yeas and nays shall be entered on the journal. Those, therefore, who desire it, will rise." If he finds and declares that one-fifth have risen, he then states that "those who are of opinion that the bill shall pass are to answer in the affirmative; those of the contrary opinion in the negative." The Clerk then calls over the names alphabetically, notes the yea or nay of each, and gives the list to the President or Speaker, who declares the result. In the Senate, if there be an equal division, the Secretary calls on the Vice President and notes his affirmative or negative, which becomes the decision of the House.

[*In the Senate.*]

Rule XII—Clause 1.

1. *When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.*

In the House of Commons, every member must give his vote the one way or the other, *Scob.*, 24, as it is not permitted to any one to withdraw who is in the House when the question is put, nor is any one to be told in the division who was not in when the question was put. 2 *Hats.*, 140.

This last position is always true when the vote is by yeas and nays; where the negative as well as affirmative of the question is stated by the President at the same time, and the vote of both sides begins and proceeds *pari passu*. It is true also when the question is put in the usual way, if the negative has also been put; but if it has not, the member entering, or any other member may speak, and even propose amendments, by which the debate may be opened again, and the question be greatly deferred. And as some who have answered ay may have been changed by the new arguments, the affirmative must be put over again. If, then, the member entering may, by speaking a few words, occasion a repetition of a question, it would be useless to deny it on his simple call for it.

While the House is telling, no member may speak or move out of his place; for if any mistake be suspected, it must be told again. *Mem. in Hakew.*, 26; 2 *Hats.*, 143.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular. He sometimes permits old experienced members to assist him with their advice, which they do sitting in their seats, covered, to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours. 2 *Hats.*, 143.

The voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, &c., where not otherwise expressly provided. *Hakew.*, 93. But if the House be equally divided, *semper presumatur pro negante*; that is, the former law is not to be changed but by a majority. *Towns.*, col. 134.

But in the Senate of the United States, the Vice-President decides when the House is divided. *Const. U. S.*, I, 3.

When from counting the House on a division it appears that there is not a quorum, the matter continues exactly in the state in which it

was before the division, and must be resumed at that point on any future day. 2 *Hats.*, 126.

1606, May 1, on a question whether a member having said yea may afterwards sit and change his opinion, a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in 39 *Eliz.*, who in like case changed his opinion. *Mem. in Hakew.*, 27.

SEC. XLII.—TITLES.

After the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other House.

SEC. XLIII.—RECONSIDERATION.

1798, Jan. A bill on its second reading being amended, and on the question whether it shall be read a third time negatived, was restored by a decision to reconsider that question. Here the votes of negative and reconsideration, like positive and negative quantities in equation, destroy one another, and are as if they were expunged from the journals. Consequently the bill is open for amendment, just so far as it was the moment preceding the question for the third reading; that is to say, all parts of the bill are open for amendment except those on which votes have been already taken in its present stage. So, also, it may be recommitted.

[*In the Senate.*]

Rule XIII.

1. *When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, without debate, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.*

2. *When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the*

House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

* The rule permitting a reconsideration of a question affixing to it no limitation of time or circumstance, it may be asked whether there is no limitation? If, after the vote, the paper on which it is passed has been parted with, there can be no reconsideration; as if a vote has been for the passage of a bill, and the bill has been sent to the other House. But where the paper remains, as on a bill rejected; when, or under what circumstances, does it cease to be susceptible of reconsideration? This remains to be settled; unless a sense that the right of reconsideration is a right to waste the time of the House in repeated agitations of the same question, so that it shall never know when a question is done with, should induce them to reform this anomalous proceeding.

In Parliament a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House. *Towns.*, col. 67; *Mem. in Hakew.*, 33. And a bill once rejected, another of the same substance cannot be brought in again the same session. *Hakew.*, 158; 6 *Grey*, 392. But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of committees, *c. g.*, report of an address, the same question is before the House, and open for free discussion. *Towns.*, col. 26; 2 *Hats.*, 98, 100, 101. So orders of the House, or instructions to committees, may be discharged. So a bill, begun in one House, and sent to the other, and there rejected, may be renewed again in that other, passed and sent back. *Ib.*, 92; 3 *Hats.*, 161. Or if, instead of being rejected, they read it once and lay it aside or amend it, and put it off a month, they may order in another to the same effect, with the same or a different title. *Hakew.*, 97, 98.

* The rule now fixes a limitation.

Divers expedients are used to correct the effects of this rule; as, by passing an explanatory act, if anything has been omitted or ill expressed, 3 *Hats.*, 278, or an act to enforce, and make more effectual an act, &c., or to rectify mistakes in an act, &c., or a committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a clerk in engrossing a bill of supply. 2 *Hats.*, 194, 6. Or the session may be closed for one, two, three, or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin de novo. 2 *Hats.*, 94, 98. Or a part of the subject may be taken up by another bill, or taken up in a different way. 6 *Grey*, 304, 316.

And in cases of the last magnitude, this rule has not been so strictly and verbally observed as to stop indispensable proceedings altogether. 2 *Hats.*, 92, 98. Thus when the address on the preliminaries of peace in 1782 had been lost by a majority of one, on account of the importance of the question, and smallness of the majority, the same question in substance, though with some words not in the first, and which might change the opinion of some members, was brought on again and carried, as the motives for it were thought to outweigh the objection of form. 2 *Hats.*, 99, 100.

A second bill may be passed to continue an act of the same session, or to enlarge the time limited for its execution. 2 *Hats.*, 95, 98. This is not in contradiction to the first act.

SEC. XLIV.—BILLS SENT TO THE OTHER HOUSE.

A bill from the other House is sometimes ordered to lie on the table. 2 *Hats.*, 97.

When bills, passed in one House and sent to the other, are grounded on special facts requiring proof, it is usual, either by message or at a conference, to ask the grounds and evidence; and this evidence, whether arising out of papers, or from the examination of witnesses, is immediately communicated. 3 *Hats.*, 48.

[*In the Senate.*]

Rule XXV.

A Committee on Engrossed Bills, to consist of three Senators, which shall examine all bills, amendments, and joint resolutions before they go out of possession of the Senate.

SEC. XLV.—AMENDMENTS BETWEEN THE HOUSES.

When either House, *e. g.*, the House of Commons, send a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose to keep the question open. But the first adherence by either renders it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. 10 *Grey*, 148. Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. 3 *Hats.*, 268, 270. The term of insisting, we are told by Sir John Trevor, was then (1679) newly introduced into parliamentary usage, by the Lords 7 *Grey*, 94. It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance; 10 *Grey*, 146; but it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences, at least, before an adherence. 10 *Grey*, 147.

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment; for here the disagreement and receding destroy one another, and the subject stands as before the disagreement. *Elysngs*, 23, 27; 9 *Grey*, 476.

But the House cannot recede from or insist on its own amendment, with an amendment; for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form. 9 *Grey*, 363; 10 *Grey*, 240. In Senate, March 29, 1798. Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the

first House depart from the form which they have fixed by an adherence.

In the case of a money bill, the Lords' proposed amendments, become, by delay, confessedly necessary. The Commons, however, refused them, as infringing on their privilege as to money bills; but they offered themselves to add to the bill a proviso to the same effect, which had no coherence with the Lords' amendments; and urged that it was an expedient warranted by precedent, and not unparliamentary in a case become impracticable, and irremediable in any other way. 3 *Hats.*, 256, 266, 270, 271. But the Lords refused, and the bill was lost. 1 *Chand.*, 288. A like case, 1 *Chand.*, 311. So the Commons resolved that it is unparliamentary to strike out, at a conference, anything in a bill which hath been agreed and passed by both Houses. 6 *Grey*, 274; 1 *Chand.*, 312.

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

A bill originating in one House is passed by the other with an amendment.

The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the 2d and not the 3d degree; for, as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the 1st degree, and the amendment to that again by the amending House is only in the 2d, to wit, an amendment to an amendment, and so admissible. Just so, when, on a bill from the originating House, the other, at its second reading, makes an amendment; on the third reading this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the 2d degree.

SEC. XLVI.—CONFERENCES.

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending

between them. The request of a conference, however, must always be by the House which is possessed of the papers. 3 *Hats.*, 31; 1 *Grey*, 425.

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the managers of the other House at the conference, but are not then to be answered. 4 *Grey*, 144. The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver, in like manner, written answers to those reasons. 3 *Grey*, 183. They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. 3 *Grey*, 255. At free conferences, the managers discuss, viva voce and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their journals. 9 *Grey*, 220; 3 *Hats.*, 280. This report cannot be amended or altered, as that of a committee may be. *Journal Senate*, May 24, 1796.

A conference may be asked, before the House asking it has come to a resolution of disagreement, insisting or adhering.* 3 *Hats.*, 269, 341. In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed

* Several instances have arisen in the Senate where a conference has been asked immediately upon the passage of a House bill with amendments, and before the House had come to a disagreeing vote upon the Senate amendments.

See Senate Journal, second session Forty-second Congress, pages 851 and 1003; Senate Journal, third session Forty-fifth Congress, page 433; Senate Journal, first session Forty-eighth Congress, pages 628 and 643. See also Congressional Record, Vol. 15, Part 4, pages 3975 and 4100 (first session Forty-eighth Congress), where the principle involved was discussed.

resolutions, and upon terms of impossibility to persuade." 3 *Hats.*, 226. So the Commons say, "an adherence is never delivered at a free conference, which implies debate." 10 *Grey*, 137. And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering, 3 *Hats.*, 269, and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing, 3 *Hats.*, 251, 253, 260, 286, 291, 316, 349; of insisting, *ib.*, 280, 296, 299, 319, 322, 355; of adhering, 269, 270, 283, 300; and even of a second or final adherence. 3 *Hats.*, 270. And in all cases of conference asked after a vote of disagreement, &c., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference chamber. *Ib.*, 271, 317, 323, 354; 10 *Grey*, 146.

After a free conference, the usage is to proceed with free conferences, and not to return again to a conference. 3 *Hats.*, 270; 9 *Grey*, 229.

After a conference denied, a free conference may be asked. 1 *Grey*, 45.

When a conference is asked, the subject of it must be expressed, or the conference not agreed to. *Ord. H. Com.*, 89; 1 *Grey*, 425; 7 *Grey*, 31. They are sometimes asked to inquire concerning an offense or default of a member of the other House. 6 *Grey*, 181; 1 *Chand.*, 304. Or the failure of the other House to present to the King a bill passed by both Houses. 8 *Grey*, 302. Or on information received, and relating to the safety of the nation. 10 *Grey*, 171. Or when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. 10 *Grey*, 148. So when an unparliamentary message has been sent, instead of answering it, they ask a conference. 3 *Grey*, 155. Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the King, were sometimes

communicated by way of conference. 6 *Grey*, 128, 300, 387; 7 *Grey*, 80; 8 *Grey*, 210, 255; 1 *Torbuck's Deb.*, 278; 10 *Grey*, 293; 1 *Chandler*, 49, 287. But this is not the modern practice. 8 *Grey*, 255.

A conference has been asked after the first reading of a bill. 1 *Grey*, 194. This is a singular instance.

SEC. XLVII.—MESSAGES.

Messages between the Houses are to be sent only while both Houses are sitting. 3 *Hats.*, 15. They are received during a debate without adjourning the debate. 3 *Hats.*, 22.

In Senate the messengers are introduced in any state of business, except, 1. While a question is being put. 2. While the yeas and nays are being called. 3. While the ballots are being counted. The first case is short; the second and third are cases where any interruption might occasion errors difficult to be corrected. So arranged June 15, 1798.

[*In the Senate.*]

Rule XXVIII.

1. *Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while the journal is being read, or while a question of order or a motion to adjourn is pending.*

2. *Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.*

In the House of Representatives, as in Parliament, if the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee, without any question or interruption. 4 *Grey*, 226.

Messengers are not saluted by the members, but by the Speaker for the House. 2 *Grey*, 253, 274.

If messengers commit an error in delivering their message, they may be admitted or called in to correct their message. 4 *Grey*, 41.

Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their Secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was received, and the two amendments acted on de novo.

As soon as the messenger, who has brought bills from the other House, has retired, the Speaker holds the bills in his hand, and acquaints the House "that the other House have by their messenger sent certain bills," and then reads their titles, and delivers them to the Clerk to be safely kept till they shall be called for to be read. *Hakew.*, 178.

It is not the usage for one House to inform the other by what numbers a bill is passed. 10 *Grey*, 150. Yet they have sometimes recommended a bill, as of great importance, to the consideration of the House to which it is sent. 3 *Hats.*, 25. Nor when they have rejected a bill from the other House, do they give notice of it; but it passes sub silentio, to prevent unbecoming altercations. 1 *Blackst.*, 183.

But in Congress the rejection is notified by message to the House in which the bill originated.

A question is never asked by the one House of the other by way of message, but only at a conference; for this is an interrogatory, not a message. 3 *Grey*, 151, 181.

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. 3 *Hats.*, 25; 5 *Grey*, 154. But if it be mere inattention, it is better to have it done informally by communications between the Speakers or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration being original, could not possibly be sent to both Houses at the same time. 2 *Hats.*, 260, 261, 262.

The King having sent original letters to the Commons, afterward desires they may be returned, that he may communicate them to the Lords. 1 *Chandler*, 303.

SEC. XLVIII.—ASSENT.

The House which has received a bill and passed it may present it for the King's assent, and ought to do it, though they have not by message notified to the other their passage of it. Yet the notifying by message is a form which ought to be observed between the two Houses from motives of respect and good understanding. 2 *Hats.*, 242. Were the bill to be withheld from being presented to the King, it would be an infringement of the rules of Parliament. *Id.*

When a bill has passed both Houses of Congress, the House last acting on it notifies its passage to the other, and delivers the bill to the Joint Committee of Enrolment, who see that it is truly enrolled in parchment. When the bill is enrolled, it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery. 9 *Grey*, 143. It is then put into the hands of the Clerk of the House of Representatives to have it signed by the Speaker. The Clerk then brings it by way of message to the Senate to be signed by their President. The Secretary of the Senate returns it to the Committee of Enrolment, who present it to the President of the United States. If he approve, he signs, and deposits it among the rolls in the office of the Secretary of State, and notifies by message the House in which it originated that he has approved and signed it; of which that House informs the other by message. If the President disapproves, he is to return it, with his objections, to that House in which it shall have originated; who are to enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the President's objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, it shall become a law. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he

had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. *Const.*, I, 7.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill. *Const.*, I, 7.

SEC. XLIX.—JOURNALS.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy. *Const.*, I, 5.

[In the Senate.]

Rule IV.

1. *The proceedings of the Senate shall be briefly and accurately stated on the journal. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.*

2. *The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book.*

If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second. 2 *Hats.*, 83.

So also when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning, or laying it on the table.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in

the journals only what the House has agreed to, is founded in great prudence and good sense; as there may be many questions proposed, which it may be improper to publish to the world in the form in which they are made. 2 *Hats.*, 85.

In both Houses of Congress, all questions whereon the yeas and nays are desired by one-fifth of the members present, whether decided affirmatively or negatively, must be entered in the journals. *Const.*, I, 5.

The first order for printing the votes of the House of Commons was October 30, 1685. 1 *Chandler*, 387.

Some judges have been of opinion that the journals of the House of Commons are no records, but only remembrances. But this is not law. *Hob.*, 110, 111; *Lex. Parl.*, 114, 115; *Four. H. C.*, Mar. 17, 1592; *Hale, Parl.*, 105. For the Lords in their House have power of judicature, the Commons in their House have power of judicature, and both Houses together have power of judicature; and the book of the Clerk of the House of Commons is a record, as is affirmed by act of Parl., 6 *H.* 8, c. 16; 4 *Inst.*, 23, 24; and every member of the House of Commons hath a judicial place. 4 *Inst.*, 15. As records they are open to every person, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other, and report what has been done by the other in any particular case. 2 *Hats.*, 261; 3 *Hats.*, 27-30. Every member has a right to see the journals and to take and publish votes from them. Being a record, every one may see and publish them. 6 *Grey*, 118, 119.

On information of a mis-entry or omission of an entry in the journal, a committee may be appointed to examine and rectify it, and report it to the House. 2 *Hats.*, 194, 195.

SEC. L.—ADJOURNMENT.

The two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses. The King has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either House to comply with his requisition, or not, as they see fitting. 2 *Hats.*, 232; 1 *Blackst.*, 186; 5 *Grey*, 122.

By the Constitution of the United States, a smaller number than a majority may adjourn from day to day. I, 5. But "neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting." I, 5. And in case of disagreement between them, with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper. *Const.*, II, 3.

A motion to adjourn, simply, cannot be amended, as by adding "to a particular day;" but must be put simply "that this House do now adjourn;" and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution, "that at its rising it will adjourn to a particular day," and then the House is adjourned to that day. 2 *Hats.*, 82.

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, &c., it adjourns during pleasure; 2 *Hats.*, 305; or for a quarter of an hour. 4 *Grey*, 331.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. 5 *Grey*, 137. And from courtesy and respect, no member leaves his place till the Speaker has passed on.

SEC. LI.—A SESSION.

Parliament have three modes of separation, to wit: by adjournment, by prorogation or dissolution by the King, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session; provided some act was passed. In this case all matters depending before them are discontinued, and at their next meeting are to be taken up de novo, if taken up at all. 1 *Blackst.*, 186. Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, or for a fortnight, a month, &c., ad libitum. All matters depending remain in statu quo, and when they meet again, be the term ever so distant, are resumed, without any fresh commencement, at the point at which they were left. 1 *Lev.*, 165; *Lex. Parl.*, c. 2; 1 *Ro. Rep.*, 29; 4 *Inst.*, 7, 27, 28; *Hutt.*, 61; 1 *Mod.*, 252;

Ruffh. Fac., L. Dict. Parliament; 1 *Blackst.*, 186. Their whole session is considered in law but as one day, and has relation to the first day thereof. *Bro. Abr. Parliament*, 86.

[*In the Senate.*]

Rule XXXII.

At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all papers referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next succeeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred.

Committees may be appointed to sit during a recess by adjournment, but not by prorogation. 5 *Grey*, 374; 9 *Grey*, 350; 1 *Chandler*, 50. Neither House can continue any portion of itself in any parliamentary function beyond the end of the session, without the consent of the other two branches. When done, it is by a bill constituting them commissioners for the particular purpose.

Congress separate in two ways only, to wit, by adjournment, or dissolution by the efflux of their time. What, then, constitutes a session with them? A dissolution certainly closes one session, and the meeting of the new Congress begins another. The Constitution authorizes the President "on extraordinary occasions, to convene both Houses, or either of them." I, 3. If convened by the President's proclamation, this must begin a new session, and of course determine the preceding one to have been a session. So if it meets under the clause of the Constitution, which says, "the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day." I, 4. This must begin a new session; for even if the last adjournment was to this day, the act of adjournment is merged in the higher authority of the Constitution, and the meeting will be under that, and not under their adjournment. So far we have fixed landmarks for determining sessions. In other cases it is declared by the joint vote authorizing the President of the Senate and the Speaker to close the session on a fixed day, which is usually in the following form: "Re-

solved by the Senate and House of Representatives, that the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the — day of —."

When it was said above that all matters depending before Parliament were discontinued by the determination of the session, it was not meant for judiciary cases depending before the House of Lords, such as impeachments, appeals, and writs of error. These stand continued, of course, to the next session. *Raym.*, 120, 381; *Ruffh. Fac., L. D., Parliament.*

Impeachments stand, in like manner, continued before the Senate of the United States.

SEC. LII.—TREATIES.

The President of the United States has power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. *Const.*, II, 2.

[In the Senate.]

Rule XXXVI—Clause 3.

3. *All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.*

Rule XXXVII—Clause 3.

3. *All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence; in which case they shall be acted upon with closed doors.*

Treaties are legislative acts. A treaty is the law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power; and there, also, if they touch the laws of the land, they must be approved by Parliament. *Ware v. Hylton*, 3 *Dallas's Rep.*, 223. It is acknowledged, for instance, that the King of Great Britain cannot by a treaty make a citizen of an alien. *Vattel*, b. 1, c. 19, sec. 214.

An act of Parliament was necessary to validate the American treaty of 1783. And abundant examples of such acts can be cited. In the case of the treaty of Utrecht, in 1712, the commercial articles required the concurrence of Parliament; but a bill brought in for that purpose was rejected. France, the other contracting party, suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty. 4 *Russell's Hist. Mod. Europe*, 457; 2 *Smollet*, 242, 246.

By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves. 1. It is admitted that it must concern the foreign nation party to the contract, or it would be a mere nullity, *res inter alias acta*. 2. By the general power to make treaties, the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty, and cannot be otherwise regulated. 3. It must have meant to except out of these the rights reserved to the States; for surely the President and Senate cannot do by treaty what the whole Government is interdicted from doing in any way. 4. And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate. But the ground of this exception is denied as unfounded. For examine, *e. g.*, the treaty of commerce with France, and it will be found that, out of thirty-one articles, there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions.

Treaties being declared, equally with the laws of the United States, to be the supreme law of the land, it is understood that an act of the legislature alone can declare them infringed and rescinded. This was accordingly the process adopted in the case of France in 1798.

It has been the usage for the Executive, when it communicates a treaty to the Senate for their ratification, to communicate also the correspondence of the negotiators. This having been omitted in the case of the Prussian treaty, was asked by a vote of the House of February 12, 1800, and was obtained. And in December, 1800, the convention of that year between the United States and France, with the report of the negotiations by the envoys, but not their instructions, being laid before the Senate, the instructions were asked for and communicated by the President.

The mode of voting on questions of ratification is by nominal call.

[In the Senate.]

Rule XXXVII.

1. *When a treaty shall be laid before the Senate for ratification it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee, or to print it, in confidence, for the use of the Senate.*

When a treaty is reported from a committee with or without amendment it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments as the case may be; which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress, as if no proceedings had previously been had thereon.

3. All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence; in which case they shall be acted upon with closed doors.

SEC. LIII.—IMPEACHMENT.

The House of Representatives shall have the sole power of impeachment. *Const.*, I, 3.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law. *Const.*, I, 3.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. *Const.*, II, 4.

The trial of crimes, except in cases of impeachment, shall be by jury. *Const.*, III, 2.

These are the provisions of the Constitution of the United States on the subject of impeachments. The following is a sketch of some of the principles and practices of England on the same subject:

Jurisdiction. The Lords cannot impeach any to themselves, nor join in the accusation, because they are the judges. *Seld. Judic. in Parl.*, 12, 63. Nor can they proceed against a commoner but on complaint of the Commons. *Ib.*, 84. The Lords may not, by the law, try a commoner for a capital offense, on the information of the King or a private person, because the accused is entitled to a trial by his peers generally; but on accusation by the House of Commons, they may proceed against the delinquent, of whatsoever degree, and whatsoever be the nature of the offense; for there they do not assume to themselves trial at common law. The Commons are then instead of a jury, and the judgment is given on their demand, which is instead of a verdict. So the Lords do only judge, but not try the delinquent. *Ib.*, 6, 7. But Wooddeson denies that a commoner can now be charged capitally before the Lords, even by the Commons; and cites Fitzharris's case, 1681, impeached of high treason, where the Lords remitted the prosecution to the inferior court. 8 *Grey's Deb.*, 325-7; 2 *Wooddeson*, 576, 601; 3 *Seld.*, 1604, 1610, 1618, 1619, 1641; 4 *Blackst.*, 25; 9 *Seld.*, 1656; 73 *Seld.*, 1604-18.

Accusation. The Commons, as the grand inquest of the nation, becomes suitors for penal justice. 2 *Wood.*, 597; 6 *Grey*, 356. The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation, at the bar of the House of Lords, in the name of the Commons. The person signifies that the articles will be exhibited, and desires that the delinquent may be sequestered from his seat, or be committed, or that the peers will take order for his appearance. *Sachev. Trial*, 325; 2 *Wood.*, 602, 605; *Lords' Journ.*, 3 *June*, 1701; 1 *Wms.*, 616; 6 *Grey*, 324.

Process. If the party do not appear, proclamations are to be issued, giving him a day to appear. On their return they are strictly examined. If any error be found in them, a new proclamation issues, giving a short day. If he appear not, his goods may be arrested, and they may proceed. *Seld. Jud.*, 98, 99.

Articles. The accusation (articles) of the Commons is substituted in place of an indictment. Thus, by the usage of Parliament, in impeachment for writing or speaking, the particular words need not be specified. *Sach. Tr.*, 325; 2 *Wood.*, 602, 605; *Lords' Journ.*, 3 June, 1701; 1 *Wms.*, 616.

Appearance. If he appear, and the case be capital, he answers in custody; though not if the accusation be general. He is not to be committed but on special accusations. If it be for a misdemeanor only, he answers, a lord in his place, a commoner at the bar, and not in custody, unless, on the answer, the Lords find cause to commit him, till he finds sureties to attend, and lest he should fly. *Seld. Jud.*, 98, 99. A copy of the articles is given him, and a day fixed for his answer. *T. Ray.*; 1 *Rushw.*, 268; *Fost.*, 232; 1 *Clar. Hist. of the Reb.*, 379. On a misdemeanor, his appearance may be in person, or he may answer in writing, or by attorney. *Seld. Jud.*, 100. The general rule on accusation for a misdemeanor is, that in such a state of liberty or restraint as the party is when the Commons complain of him, in such he is to answer. *Ib.*, 101. If previously committed by the Commons, he answers as a prisoner. But this may be called in some sort *judicium parium suorum*. *Ib.* In misdemeanors the party has a right to counsel by the common law, but not in capital cases. *Seld. Jud.*, 102, 105.

Answer. The answer need not observe great strictness of form. He may plead guilty as to part, and defend as to the residue; or, saving all exceptions, deny the whole or give a particular answer to each article separately. 1 *Rush.*, 274; 2 *Rush.*, 1374; 12 *Parl. Hist.* 442; 3 *Lords' Journ.*, 13 Nov., 1643; 2 *Wood.*, 607. But he cannot plead a pardon in bar to the impeachment. 2 *Wood.*, 615; 2 *St. Tr.*, 735.

Replication, rejoinder, &c. There may be a replication, rejoinder, &c. *Sel. Jud.*, 114; 8 *Grey's Deb.*, 233; *Sach. Tr.*, 15; *Journ. H. of Commons*, 6 March, 1640-1.

Witnesses. The practice is to swear the witnesses in open House, and then examine them there; or a committee may be named, who shall examine them in committee, either on interrogatories agreed on in the House, or such as the committee in their discretion shall demand. *Seld. Jud.*, 120, 123.

Jury. In the case of Alice Pierce, 1 R., 2, a jury was impaneled for her trial before a committee. *Seld. Jud.*, 123. But this was on a complaint, not on impeachment by the Commons. *Seld. Jud.*, 163. It must also have been for a misdemeanor only, as the Lords spiritual sat in the case, which they do on misdemeanors, but not in capital cases. *Id.*, 148. The judgment was a forfeiture of all her lands and goods. *Id.*, 188. This, Selden says, is the only jury he finds recorded in Parliament for misdemeanors; but he makes no doubt, if the delinquent doth put himself on the trial of his country, a jury ought to be impaneled, and he adds that it is not so on impeachment by the Commons; for they are in loco proprio, and there no jury ought to be impaneled. *Id.*, 124. The Ld. Berkeley, 6 E., 3, was arraigned for the murder of L. 2, on an information on the part of the King, and not on impeachment of the Commons; for then they had been patria sua. He waived his peerage, and was tried by a jury of Gloucestershire and Warwickshire. *Id.*, 126. In 1 H., 7, the Commons protest that they are not to be considered as parties to any judgment given, or hereafter to be given in Parliament. *Id.*, 133. They have been generally and more justly considered, as is before stated, as the grand jury; for the conceit of Selden is certainly not accurate, that they are the patria sua of the accused, and that the Lords do only judge, but not try. It is undeniable that they do try; for they examine witnesses as to the facts, and acquit or condemn, according to their own belief of them. And Lord Hale says, "the peers are judges of law as well as of fact;" 2 Hale, P. C., 275; consequently of fact as well as of law.

Presence of Commons. The Commons are to be present at the examination of witnesses. *Seld. Jud.*, 124. Indeed they are to attend throughout, either as a committee of the whole House, or otherwise, at discretion, appoint managers to conduct the proofs. *Rushw. Tr. of Straff.*, 37; *Com. Journ.*, 4 Feb., 1709-10; 2 Wood, 614. And judgment is not to be given till they demand it. *Seld. Jud.*, 124. But they are not to be present on impeachment when the Lords consider of the answer or proofs and determine of their judgment. Their presence, however, is necessary at the answer and judgment in cases capital *Id.* 58, 158 as well as not capital; 162.

The Lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty; and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on. *Seld. Jud.*, 167; 2 *Wood.*, 612.

Judgment. Judgments in Parliament, for death, have been strictly guided per legem terræ, which they cannot alter; and not at all according to their discretion. They can neither omit any part of the legal judgment, nor add to it. Their sentence must be secundum non ultra legem. *Seld. Jud.*, 168, 171. This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments, prevailed; for impeachments are not framed to alter the law, but to carry it into more effectual execution against too powerful delinquents. The judgment, therefore, is to be such as is warranted by legal principles or precedents. 6 *Sta. Tr.*, 14; 2 *Wood.*, 611. The Chancellor gives judgment in misdemeanors; the Lord High Steward formerly in cases of life and death. *Seld. Jud.*, 180. But now the Steward is deemed not necessary. *Fost.*, 144; 2 *Wood.*, 613. In misdemeanors the greatest corporal punishment hath been imprisonment. *Seld. Jud.*, 184. The King's assent is necessary to capital judgments, (but 2 *Wood.*, 614, contra,) but not in misdemeanors. *Seld. Jud.*, 136.

Continuance. An impeachment is not discontinued by the dissolution of Parliament, but may be resumed by the new Parliament. *T. Ray*, 383; 4 *Com. Journ.*, 23 Dec., 1790; *Lords' Jour.*, May 15, 1791; 2 *Wood.*, 618.

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2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

3. The second and fourth Mondays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

RULE XXVII.

UNFINISHED BUSINESS OF THE SESSION.

All business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

RULE XXVIII.

CHANGE OR SUSPENSION OF RULES.

1. No rule shall be suspended except by a vote of two-thirds of the members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

2. All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

RULE XXIX.

CONFERENCE REPORTS.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

RULE XXX.

SECRET SESSION.

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

RULE XXXI.

READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

RULE XXXII.

DRAWING OF SEATS.

1. At the commencement of each Congress, immediately after the Members and Delegates are sworn in, the Clerk shall place in a box, prepared for that purpose, a number of small balls, of marble or other material, equal to the number of Members and Delegates, which balls shall be consecutively numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page,

draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on a numbered alphabetical list shall correspond with the number on the ball shall advance and choose his seat for the term for which he is elected.

2. Before said drawing shall commence each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during that Congress.

RULE XXXIII.

HALL OF THE HOUSE.

The hall of the House shall be used only for the legislative business of the House and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

RULE XXXIV.

OF ADMISSION TO THE FLOOR.

The persons hereinafter named, and none other, shall be admitted to the hall of the House or rooms leading thereto, viz: The President and Vice-President of the United States and their private secretaries, Judges of the Supreme Court, Members of Congress and Members elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, Foreign Ministers, Governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the Law Library, such persons as have, by name, received the thanks of Congress, ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

RULE XXXV.

OF ADMISSION TO THE GALLERIES.

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, Justices of the Supreme Court, Foreign Ministers and suits, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of members of Congress, in which the Speaker shall control one bench, and on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

RULE XXXVI.

OFFICIAL AND OTHER REPORTERS.

1. The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees and the manner of the execution of their duties, shall be vested in the Speaker.

2. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign one seat on the floor to Associated Press reporters, and one to The United Press reporters, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association.

RULE XXXVII.

PAY OF WITNESSES.

The rule for paying witnesses subpoenaed to appear before the House or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for

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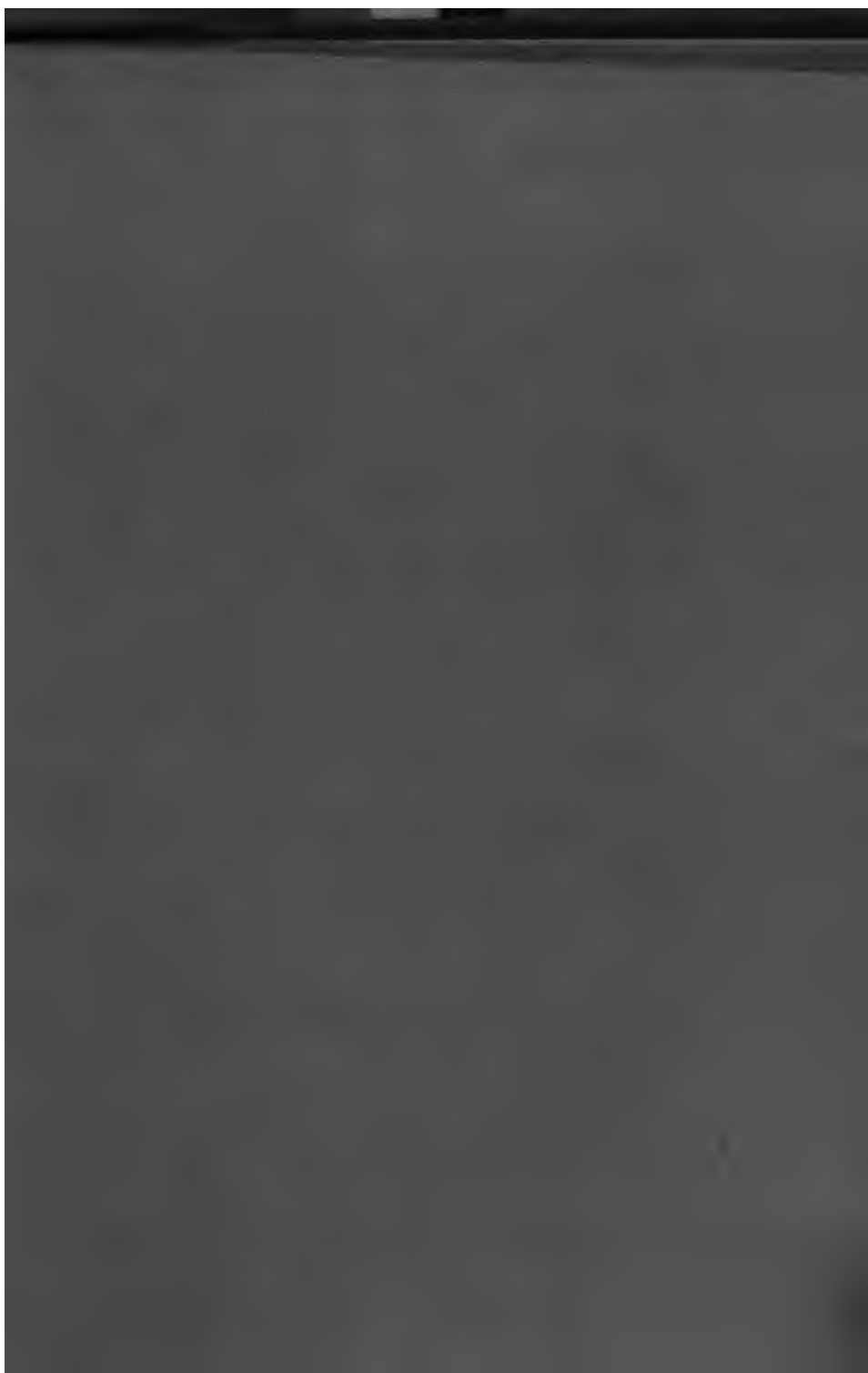
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R U L E S

OF THE

HOUSE OF REPRESENTATIVES,

FIFTY-SIXTH CONGRESS.

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RULES OF THE HOUSE OF REPRESENTATIVES.

FIFTY-SIXTH CONGRESS.

RULE I.

DUTIES OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the hall of the House, and of the corridors and passages and of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be), say Ay;" and after the affirmative voice is expressed, "As many as are opposed, say No;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the

members in the affirmative and negative; which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment: *Provided, however,* That in case of his illness, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker *pro tempore*, to act during his absence.

RULE II.

ELECTION OF OFFICERS.

There shall be elected by a *viva voce* vote, at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, Sergeant-at-Arms, Door-keeper, Postmaster, and Chaplain, each of whom shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House; and each shall appoint all of the employees of his department provided for by law.

RULE III.

DUTIES OF THE CLERK.

1. The Clerk shall, at the commencement of the first session of each Congress, call the members to order, proceed to call the roll of members by States in alphabetical order, and, pending the election of a Speaker or Speaker *pro tempore*, call the House to order, preserve order and decorum, and decide all questions of order subject to appeal by any member.

2. He shall make and cause to be printed and delivered to each member, or mailed to his address, at the commencement of every regular session of Congress, a list of the reports which

it is the duty of any officer or Department to make to Congress, referring to the act or resolution and page of the volume of the laws or Journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made.

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to members and delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the legislature of every State and Territory; preserve for and deliver or mail to each member and delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged; attest and affix the seal of the House to all writs, warrants, and subpoenas issued by order of the House, certify to the passage of all bills and joint resolutions, make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives, in pursuance of law or order of the House, keep full and accurate accounts of the disbursements out of the contingent fund of the House, keep the stationery account of members and delegates, and pay them as provided by law. He shall pay to the officers and employees of the House of Representatives, the last day of each month, the amount of their salaries that shall be due them; and when the last day of the month falls on Sunday he shall pay them on the day next preceding.

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, to maintain order under the direction of the Speaker or

APPROPRIATION BILLS—Continued.*Privilege of*—Continued.

The motion to go into Committee of the Whole to consider a general appropriation bill may not be amended by a nonprivileged proposition, and the previous question may not be demanded on the motion. 3-55, *Record*, pp. 1995, 1996.

The motion to go into Committee of the Whole to consider revenue bills and the motion to do the same to consider appropriation bills are of equal rank. (395) 2-52, *Journal*, p. 108.

In Committee of the Whole.

All bills laying a tax or charge on the people or appropriating money or property must be considered in Committee of the Whole. (764) *Rule XXIII*, section 3.

Points of order are usually reserved when appropriation bills are referred to Committee of the Whole; otherwise the committee must consider the bill in its entirety and may not eliminate a portion which is in violation of the rule. (1644-1649) 1-48, *Record*, p. 5014; 2-48, *Record*, pp. 1677, 1927, 2097; 1-54, *Record*, pp. 581, 1119, 3411; 2-54, *Record*, pp. 311, 312; 2-55, *Record*, p. 6083.

The House having resolved itself into Committee of the Whole for the purpose of considering a particular revenue or general appropriation bill, the Committee of the Whole may not take up another bill. (738) 3-46, *Record*, p. 1357.

General Requirements.

The reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill. (567) 2-54, *Record*, p. 1777.

An amendment appointing managers of the National Home for Disabled Volunteer Soldiers was held to be in order on the sundry civil appropriation bill. (1059) 1-51, *Record*, p. 6144.

An amendment providing for the construction of the Nicaragua Canal was held not to be germane to the sundry civil appropriation bill. 3-55, *Record*, pp. 1872, 1908, 1909.

Appropriations for the staff of employees in the office of the Commissioner of Indian Affairs belong to the legislative appropriation bill. 3-55, *Record*, pp. 281, 282.

The Committee on Insular Affairs has jurisdiction of all subjects (excepting those affecting the revenue and appropriations) relating to Cuba, Puerto Rico, Guam, and the Philippines. *Rule XI*, section 18.

A treaty with Indians is not in order for ratification on the Indian appropriation bill. (570) 2-54, *Record*, p. 1266.

River and harbor bills.

The river and harbor bill is not a general appropriation bill. (461, 919, 1645) 1-51, *Record*, pp. 5362, 5397; 2-48, *Record*, pp. 1604-1612, 1677, 1927, 2097.

APPROPRIATION BILLS—Continued.

River and harbor bills—Continued.

The river and harbor bill not being one of the general appropriation bills, the rule relating to legislation on such bills does not apply to it. (569) 3-46, *Record*, pp. 1618-1624.

Legislation on.

The "rider" rule for preventing legislation on appropriation bills. (485) *Rule XXI, section 2.*

Continuation of a public work or object.

The completion of a naval vessel, although the work has been long interrupted, is the continuation of a public work. (486) 2-48, *Record*, pp. 1913, 1914.

The construction of a new vessel for the Navy is the continuation of a public work already in progress. (487) 2-49, *Record*, pp. 2336, 2337.

The authorization of additional seamen for the Navy has been held to be the continuation of a public work. (488) 3-53, *Record*, p. 2406.

The construction of a new dry dock for the Navy, except where specially authorized by law, has been held not to be the continuation of a public work within the meaning of the rule. (493-497) 1-51, *Record*, p. 3274; 1-52, *Record*, pp. 3225-3261; 1-54, *Record*, p. 3200; 2-54, *Record*, p. 2150; 2-55, *Record*, p. 3389.

A proposition to appropriate for the establishment of an armor-plate factory was held not to be in order on the naval appropriation bill, such appropriation not being in continuation of a public work or object. 3-55, *Record*, pp. 2191, 2246.

The law having authorized surveys to determine the practicability of a cable to Hawaii, a proposition to authorize the construction of a cable to Hawaii and the Philippines was held not to be within the exception relating to the construction of a public work. 3-55, *Record*, pp. 1864-1866.

The making of a survey to ascertain the feasibility, etc., of a proposed public work was held not to be such a beginning of the work as would authorize an appropriation in an appropriation bill. 3-55, *Record*, pp. 1872, 1908, 1909.

The continuation of special facilities for mail service on trunk lines of railroad has been held to be such public work, or object, as would justify provision on an appropriation bill. (500, 501) 2-52, *Record*, pp. 1807, 1813; 1-54, *Record*, p. 2664.

The repair of a bridge, built at Government expense, is the continuation of a public work. (504) 2-54, *Record*, pp. 1261, 1268.

A public work or object, to come within the terms of the rule, must be actually "in progress" according to the usual significance of the words. (505) 1-54, *Record*, p. 3447.

The recoinage of uncurrent fractional silver coins in the Treasury was held to be in continuation of a public work or object already in progress. (506) 1-52, *Record*, pp. 4294, 4385.

APPROPRIATION BILLS—Continued.*Continuation of a public work or object*—Continued.

In some circumstances the erection of a new building at a Government establishment has been held to be the continuation of a public work; but under others it has not been so held. (489-492) 2-50, *Record*, p. 717; 2-55, *Record*, p. 3398; 1-52, *Record*, pp. 1656, 1686; 2-54, *Record*, p. 1192.

Although an appropriation had previously been made for the purchase of a site for a public building, a proposed amendment appropriating for the construction of the building was ruled out of order. 2-45, *Record*, p. 4445.

A proposition that a manual-training department should be made a part of every Indian school hereafter to be established was held subject to the point of order. (564) 2-54, *Record*, pp. 1190, 1191.

The establishment of a light-house, and even the building of a new vessel for a light-house tender, has been ruled not to be in continuation of a public work. (498, 499) 1-49, *Record*, p. 5976; 1-49, *Record*, pp. 5977, 5979.

By public works and objects already in progress are meant tangible matters, like buildings, roads, etc., and not duties in an Executive Department. (502, 503) 1-51, *Record*, pp. 3835, 3881; 2-54, *Record*, pp. 1356, 1358.

Limitations.

A limitation must apply solely to the present appropriation, and may not be made as a permanent provision of law. (522) 1-52, *Record*, p. 2282; 3-55, *Record*, pp. 2164, 2165.

Legislation may not be proposed under the form of a limitation. (521) 1-51, *Record*, pp. 3262-3264.

In the pension appropriation bill a paragraph proposing a construction of existing law different from that adhered to by the Department was held to be legislation and not a limitation. (530) 1-54, *Record*, pp. 764-769.

An amendment providing that no part of an appropriation for a certain service should be expended for service beyond that for which contracts had already been made was held to be a limitation. (515) 2-55, *Record*, p. 2974.

To a provision appropriating for the support of army hospitals an amendment excepting a certain hospital from the benefits of the appropriation was decided to be a limitation. (516) 2-54, *Record*, pp. 221-225.

A provision that an appropriation for the pay of volunteer soldiers should not be available longer than a certain period after the ratification of a treaty of peace was held to be a limitation merely. 3-55, *Record*, pp. 84, 85.

APPROPRIATION BILLS—Continued.

Limitations—Continued.

A provision that no part of certain moneys appropriated for a naval station should be used until the United States had acquired the title to a certain needed tract of land was held to be a limitation. (508) 2-55, *Record*, pp. 3256, 3257.

To a paragraph providing for armor and armament of naval vessels, a proviso that the total cost of armor should not exceed a certain amount and that no contract should be made in excess of a certain price per ton was held to be a limitation merely. (509) 2-55, *Record*, p. 3482.

A provision that no part of a sum appropriated for armor plate should be expended except for armor of a certain cost and quality was held to be a limitation. 3-55, *Record*, pp. 2165, 2190.

A provision that no greater price should be paid for armor plate than was paid in this country by other governments for the same article was held to be a limitation. 3-55, *Record*, p. 2252.

Provisions that bids for the construction of naval vessels should be limited to bidders having adequate plants and not having over a specified number of vessels under contract were held to be in the nature of legislation and not limitations. 3-55, *Record*, pp. 2158-2160.

In the section appropriating for expenses of participation by the United States in the Paris Exposition, provisions establishing the details of that participation, creating officials and salaries, etc., were held to be legislation and not merely a limitation upon the expenditure. (513) 2-55, *Record*, p. 2287.

A provision directory as to the manner of payment of the compensation of certain Government employees was held to be a limitation. (510) 2-55, *Record*, p. 3013.

Restrictions as to leaves of absence and hours of labor of employees of the Government Printing Office were held to be out of order in an amendment offered as a limitation. (526) 1-51, *Record*, pp. 6155-6158, 6185.

An amendment proposing to make the payment of the salaries of certain officials or employees dependent upon a contingency was held to be a change of law and not a limitation. (523, 524, 525) 1-51, *Record*, pp. 3830-3832, 3902; 1-54, *Record*, p. 1895.

The Postmaster-General having general authority to transport the mails, an appropriation for a specific method of transportation was held to be a limitation. (514) 2-55, *Record*, p. 2964.

A proposition that electric and cable cars carrying the mails should be run at regular intervals, unconnected with passenger cars, etc., was ruled to be a change of law and not a limitation merely. (507) 2-55, *Record*, pp. 3000, 3001.

APPROPRIATION BILLS—Continued.*Limitations*—Continued.

An amendment providing that no portion of an appropriation for manufacture of stamped envelopes should be expended in printing return cards on them was ruled out of order. 3-55, *Record*, p. 823.

In an appropriation for marine free-delivery mail service at Detroit, Mich., a proviso that the service should be performed by rowboats was held to be a limitation. (529) 2-54, *Record*, p. 1773.

To a paragraph appropriating for the transportation of mails an amendment relating to the prices to be established in the contracts was held to be a change of law and not a limitation. (528) 2-55, *Record*, p. 2979.

An amendment to the Post-Office appropriation bill providing that no part of the money therein appropriated should be expended in carrying out any contract under the law relating to ocean mail service was held to be a limitation. (527) 1-52, *Record*, pp. 5003, 5004.

In a paragraph appropriating for street lighting a clause providing that wires should be placed under ground was held to be a change of law and not a limitation. (512) 1-51, *Record*, pp. 433, 467, 468.

A proviso diverting a portion of an appropriation for street lighting to the care of certain experimental lamps was ruled to be a change of law and not a limitation. (511) 2-55, *Record*, p. 1213.

A provision being proposed that certain appropriations for charitable and reformatory work in the District should be disbursed by the District Commissioners, it was held that it was in order for the House to designate the instrumentality to be used in expending the appropriation. (520) 1-54, *Record*, p. 3783.

To provisions appropriating for schools and charities, certain restrictions relating to sectarian institutions were held to be limitations. (517-519) 1-54, *Record*, p. 1307.

Change of existing law.

The enactment of positive law where none exists is a change of existing law within the meaning of the rule. (557) 1-54, *Record*, p. 1306.

It has been generally held that provisions giving a new construction of law, or limiting the discretion which has been exercised by officers charged with the duties of administration, are changes of law within the meaning of the rule. (531-536) 2-46, *Record*, pp. 1674, 1675; 2-53, *Record*, pp. 3507-3512; 1-54, *Record*, p. 2079; 2-55, *Record*, pp. 1420, 2142, 2143.

An appropriation for an object in an annual appropriation bill makes law only for that year, and does not become "existing law" to justify a continuance of the appropriation. 3-55, *Record*, pp. 163, 164.

Existing law may not be changed, even by changing the word "may" to "shall." (562) 1-51, *Record*, p. 2493.

APPROPRIATION BILLS—Continued.

Change of existing law—Continued.

The omission to appropriate during a series of years for an object authorized by law does not repeal that law; and consequently an appropriation, when proposed, is not subject to the point of order. (556) 2-45, *Journal*, p. 1005, *Record*, pp. 3164-3177.

An amendment for taking away from a Department officer a power conferred by law was held to be a change of law. (577) 1-52, *Record*, p. 5005.

A limitation on the discretion exercised under law by a bureau of the Government is a change of law. 3-55, *Record*, pp. 625-628.

It is not in order to move to recommit with instructions to report an amendment which would be a change of existing law. (1039-1040) 2-52, *Journal*, p. 96, *Record*, p. 1754.

The House may, upon report by the Committee on Rules, authorize on an appropriation bill legislation which would otherwise be subject to the point of order. (580) 2-52, *Record*, pp. 1302, 1306.

The reappropriation of a sum required by law to be covered into the Treasury was held not to be a change of law. 3-55, *Record*, pp. 624-627.

A treaty having been ratified by one only of the contracting parties, it was held not to have become law to the extent of sanctioning an appropriation on an appropriation bill. 3-55, *Record*, pp. 1944, 1948, 1956, 1958, 1959.

Propositions to increase salaries fixed by law are subject to the point of order. (549-553) 2-54, *Record*, pp. 1441, 1443; 1-51, *Record*, pp. 3444, 3893, 3902; 2-55, *Record*, p. 3397.

It is not a change of existing law for the House to decline to make appropriation for salaries fixed by law. (547) 1-55, *Record*, p. 1443.

The appropriation of a less sum than the amount fixed by law for the salary of an officer is not a change of law, even though it be accompanied by such a condition as practically effects a reduction of the salary. (546) 1-54, *Record*, pp. 2009-2019.

A proposition to appropriate for but one Civil Service Commissioner, instead of for the three provided for by statute, was held to be a change of law. (559) 1-51, *Record*, p. 3790.

The law having provided for an officer and fixed his salary, it is not in order to omit to appropriate for this officer and create another in his place. (554) 1-54, *Record*, pp. 1808, 1809.

The House may appropriate for a greater or less number of clerks in departments of the Government wherein the number is not fixed by law. 3-55, *Record*, p. 2404.

The House having passed a resolution from the Committee on Accounts directing the Committee on Appropriations to provide for paying a certain sum to a certain employee, an amendment to effect this purpose was held to be in order. (545) 1-50, *Record*, p. 7057.

APPROPRIATION BILLS—Continued. .*Change of existing law*—Continued.

Paragraphs in the general deficiency appropriation bill providing for the payment of certain sums to certain employees of the House for services were held to be subject to the point of order, as such expenditure had not been previously authorized by the House. (548) 2-54, *Record*, pp. 2058, 2061.

An amendment to extend to the Government Printing Office the regulations relating to leaves of absence as applied in other Departments was held to be subject to the point of order. (555) 2-52, *Record*, p. 1394.

A proposition to pay clerk hire to Members for every month instead of during the sessions, as provided by law, was held to be subject to the point of order. (560) 1-54, *Record*, p. 2273.

To a provision for the payment of clerk hire to Members and Delegates an amendment, providing that under certain circumstances the Member should forfeit the payment, was offered and ruled out of order. 3-55, *Record*, p. 452.

The proposition to pay the employees of the House and Senate an extra month's pay has been held to be subject to the point of order, although the practice has varied in this respect. (558) 2-54, *Record*, p. 2063.

A provision that articles imported for the use of the Light-House Establishment should be admitted free of duty was held to be a change of law. (579) 1-52, *Record*, pp. 4229, 4232.

An amendment which would increase the limit of cost fixed by law for a light-house was ruled out of order. (576) 1-52, *Record*, pp. 4227, 4228.

An appropriation for the construction from Government surveys of maps of a foreign coast was held not to be in order on an appropriation bill. 3-55, *Record*, pp. 487, 488.

A paragraph constituting a commission to make plans for the reconstruction of buildings at a public institution, and suspending a law authorizing a partial construction, was held to be a change of law. 3-55, *Record*, pp. 2010, 2011-2016, 2067.

An amendment proposing to establish a preference for home materials and products in the awarding of Government contracts was held to be subject to the point of order. (574) 2-52, *Record*, p. 1020.

An appropriation for the improvement of the Yosemite National Park being prohibited by law was held to be out of order. (573) 2-52, *Record*, pp. 4726, 4727.

A Government exhibit at the Columbian Exposition being specifically provided for, an appropriation for an object not mentioned in the act was held not in order on an appropriation bill. (572) 1-52, *Record*, pp. 4669-4671, 4675, 4684.

APPROPRIATION BILLS—Continued.

Change of existing law—Continued.

A provision for the cleaning and reissue of minor coins in the Treasury was held in order because authorized by law, but the recoinage of uncurrent minor coins was ruled out, no law authorizing it. (571) 1-52, *Record*, pp. 4294, 4384, 4385.

An appropriation of the surplus of the water fund of the District of Columbia for extension and improvement of the water system was held not to be subject to the point of order. (568) 2-55, *Record*, pp. 1353-1354.

A proposition that payments for interest and sinking fund on the funded debt of the District of Columbia should be paid out of the revenues of the District was held to be a change of law. (563) 1-54, *Record*, p. 1310.

Propositions to appropriate for "necessary and special facilities" for transporting the mails on railroads are subject to the point of order that they involve change of existing law. (565-566) 2-46, *Record*, pp. 3023, 3024; 2-54, *Record*, pp. 1782, 1783.

A provision for compiling the records of tests of dairy cows at the Columbian Exposition was held to be legislation and subject to the point of order, although the law gives the Secretary of Agriculture certain general authority to acquire and diffuse information. (561) 1-54, *Record*, pp. 1896-1899.

A provision for the appointment of a commission to consider the proposed establishment of a dry dock is new legislation. (542) 2-55, *Record*, p. 3390.

To a bill appropriating for the payment of invalid and other pensions an amendment providing for preference to soldiers in the civil service was held to be a change of law. (1039) 2-52, *Journal*, p. 96, *Record*, p. 1754.

The Secretary of the Navy being authorized by law to name the battle ships, a proposition to enact that a certain ship should be given a certain name was held to be a change of law. (544) 2-55, *Record*, p. 3474.

Propositions to transfer bureaus or services from one department of the Government to another have been held to be changes of law, but have been sometimes held in order under the exceptions formerly a part of the rule. (538-541) 1-52, *Record*, p. 5167; 2-52, *Record*, pp. 1429, 1690, 1691; 2-53, *Record*, pp. 2997, 3002; 2-54, *Record*, p. 218.

A proposition to transfer the control of Indian affairs from the Interior to the War Department was held to be a change of law and not within the exceptions allowed by the rule at that time. (537) 1-44, *Record*, p. 2822.

APPROPRIATION BILLS—Continued.*Change of existing law—Continued.*

An amendment doing away with contract schools for Indians and establishing Government schools was held to be a change of law. (1040) 2-53, *Journal*, p. 436, *Record*, pp. 6433, 6434.

Claims and deficiencies.

A general appropriation bill provides only for the next fiscal year, and expenditures in preceding years, whether for claims or other objects, if in order on any general appropriation bill, belong to the general deficiency bill. (586-593) 1-51, *Record*, pp. 6201, 6228, 6233; 2-54, *Record*, pp. 1258, 1263.

Provisions for the payment of claims against the Government are admitted in the general deficiency appropriation bill under certain circumstances. (594-598) 2-54, *Record*, p. 2065; 1-51, *Record*, pp. 8177, 8301, 8304.

Propositions to pay private claims against the Government (except judgments of the Court of Claims in the deficiency bill) are not in order in general appropriation bills. (581-585) 1-31, *Globe*, pp. 1617, 1667; 2-32, *Globe*, p. 736; 1-33, *Globe*, pp. 385, 1483; 1-52, *Record*, p. 4668; 2-54, *Record*, p. 1445.

Appropriations for the completion of public buildings have been held not in order as amendments to the general deficiency appropriation bill. (599-600) 1-51, *Record*, p. 8121; 2-46, *Record*, p. 1650.

APPROVAL.

The provisions of the Constitution relating to the approval and disapproval of bills and resolutions by the President. (452, 453, 1466) *Constitution*, Article I, section 7, p. 6; 2-54, *Senate Report No. 1335*.

ARCHITECT.

Employees in the heating, lighting, and ventilating departments of the House wing are under charge of the Architect, subject to control of the Speaker. (1765) 21 *Stat. L.*, p. 388.

Concurrent authority over Capitol police. (1717) *Revised Statutes*, sections 1821, 1823, 1824, 1825; 18 *Stat. L.*, p. 345.

Entitled to the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV*.

The Architect enforces the law relating to exhibition of works of art in the Capitol. (1765) 18 *Stat. L.*, p. 376; 20 *Stat. L.*, p. 391.

ARID LANDS, IRRIGATION OF.

Subjects relating to, belong to the jurisdiction of the Committee on Irrigation of Arid Lands. (647) *Rule XI*, section 39.

ARMY.

Decisions concerning Members and Members elect who have occupied or been about to occupy military offices under the Government. (12) 1-38, *II. of R. Report 110*, *Globe*, p. 3389; 3-55, *II. of R. Report No. 2205*, *Record*, p. 2751.

ARREST.*During call of the House.*

The rule whereby a quorum is obtained and the vote taken on the pending question at the same time. (287) *Rule XV, section 4.*

The old rule for the call of the House and the arrest of Members. (297) *Rule XV, section 2.*

Form of motion for the arrest of absent Members. (330, footnote.)

“Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its Members as are absent without leave.”

A Member who appears and answers during a call is not subject to arrest. (331) 2-52, *Journal*, p. 180, *Record*, pp. 2300, 2325.

Members under arrest have not been deprived of their right to vote. (1127) 2-53, *Journal*, pp. 71, 72, *Record*, pp. 530, 531.

Members present in custody of the Sergeant-at-Arms have been allowed to vote on a motion to excuse another Member. (329) 1-52, *Journal*, pp. 167, 168, *Record*, pp. 3762, 3768, 3770.

Proceedings under a call may be dispensed with although Members under arrest have not had the opportunity to make their excuses. (341) 1-52, *Journal*, p. 167, *Record*, p. 3770.

A motion to dispense with proceedings under the call, having been once entertained, was ruled out of order pending a motion for the arrest of absent Members. (299) 1-44, *Journal*, p. 1492, *Record*, pp. 5647, 5649.

A motion to dispense with proceedings under a call is not in order pending a motion that the Sergeant-at-Arms take into custody absent Members. (326) 2-53, *Journal*, pp. 177, 194, *Record*, pp. 2297, 2300, 2388.

The Sergeant-at-Arms may be directed to take into custody such Members as have absented themselves since the first call of the roll. (330) 2-52, *Journal*, p. 106, *Record*, p. 1969.

Continuing orders of arrest have been made, sometimes by less than a quorum. (322-327) 1-30, *Journal*, pp. 1034, 1035, *Globe*, p. 926.

General provisions.

The Constitution defines the privileges of Members in regard to arrest. (91) *Constitution, Article I, section 6, p. 5.*

A Member having been arrested and detained on civil process, the House liberated him and restored him to his seat by the hands of its own officer. (153) 2-39, *Journal*, pp. 103, 105, *Globe*, pp. 51, 225.

The House having arrested and punished John Anderson for an attempt to bribe a Member, the Supreme Court affirmed the right of the House so to do. (160) 1-15, *Journal*, pp. 117, 119, 129, 154, *Annals*, pp. 580, 614, 622, 626, 631, 639, 743, 790, 6 *Wheaton*, 204.

A question of privilege and order of arrest may be based on a communication received by telegraph. (177) 2-44, *Journal*, p. 133, *Record*, p. 353.

ARREST—Continued.*General provisions*—Continued.

In dealing with a prisoner at the bar the House may not go beyond the terms of the order of arrest. (122) 2-41, *Journal*, pp. 957, 961, 962, 1068, *Record*, pp. 4315, 4318, 4320, 4692.

Alleged libelous statements of a reporter being made a subject of privilege, the reporter was at once arrested, brought to the bar of the House, and interrogated. (122) 2-41, *Journal*, pp. 957, 961, 1068, *Record*, pp. 4315, 4318, 4320, 4692.

Arrest of Joseph L. Chester as a contumacious witness. (171) 3-34, *Journal*, p. 241, *Globe*, p. 356.

Case of Wolcott, a contumacious witness. (172) 1-35, *Journal*, p. 821, *Globe*, pp. 684, 716, 1240.

ART, WORKS OF.

The Architect enforces the law relating to exhibition of works of art in the Capitol. (1765) 18 *Stat. L.*, p. 376; 20 *Stat. L.*, p. 391.

ASSAULTS.

Assaults between Members in Committee of the Whole have been treated as breaches of privilege. (1628, 1629, 1630) 2-25, *Journal*, p. 1013, *Globe*, p. 422; 1-26, *Journal*, p. 814, *Globe*, pp. 343, 394-396, 398; 1-28, *Journal*, p. 846, *Globe*, pp. 552, 577, 578, 604.

A question of privilege presented by an assault by one Member upon another on their way to the Capitol. (168) 1-34, *Journal*, pp. 1527, 1589, *Globe*, p. 2238.

An assault by a Member of the House upon a Senator at his seat in the Senate was determined to be a breach of the privileges of the House as well as of the Senate. (167) 1-34, *Journal*, pp. 1023, 1029, 1076, 1077, 1185-1187, 1193, 1197-1201, 1205-1221, *Globe*, pp. 1290, 1348-1352, 1578.

One reporter having assaulted another in the presence of the House, punishment for breach of privilege was inflicted. (165) 1-24, *Journal*, pp. 983, 985, 1021, *Globe*, pp. 436, 437, 450.

An assault by one Member upon another was acted upon as a question of privilege in 1798. (157) 1-5, *Journal*, pp. 154, 185, *Annals*, pp. 961, 964, 972, 979, 1034.

It being doubtful whether or not an assault on a Member had been for words spoken in debate no action was taken. (164) 2-23, *Journal*, pp. 485, 489, 518, *Globe*, p. 314.

The assault upon the private secretary of the President in the Capitol in 1828. (161) 1-20, *Debates*, p. 2715.

For assaulting a Member for words spoken in debate, Samuel Houston was, in 1832, arrested at once, tried, and censured by the House for invading its rights and privileges. (162) 1-22, *Journal*, pp. 590, 593, 595, 600, 604, 610, 713, 725, 730, 736, *Debates*, pp. 2511, 2534, 2540, 2548, 2550, 2563, 2822, 2839.

ASSAULTS—Continued.

A Member, absent by leave of the House, and on his return thither being assaulted, the assailant was arrested and imprisoned for a term extending beyond the adjournment of the session. (169) *2-41, Journal, pp. 1199, 1200, Record, pp. 4317, 4325, 4352, 5253.*

Messrs. White and Rathbun. (962) *1-28, Journal, p. 882, Globe, p. 579.*

BALLOT.

Rule and practice.

The rule for voting by ballot. (1125) *Rule XL.*

The Speaker is not required to vote except when his vote would be decisive and when the House is voting by ballot. (49) *Rule I, section 6.*

On a vote by ballot, if a majority be not obtained on the first ballot the voting continues until the majority is obtained. (1125) *Rule XL.*

In voting by ballot blanks are rejected, not being taken into the count or reported by the tellers. (1125) *Rule XL.*

Rules for the election of a President by the House by ballot. (1768) *2-18, Journal, pp. 213, 215, 220, 222.*

The managers of impeachments, except in the later cases, have been elected by ballot. (1696-1702) *2-5, Journal, p. 153, Annals, Vol. I, p. 352; 1-8, Annals, p. 796; 2-8, Journal, pp. 44, 45; 1-21, Journal, p. 591; 2-37, Journal, pp. 712, 717; 2-40, Journal, p. 450; 1-44, Record, p. 2161.*

BANKING.

Subjects relating to, are under the jurisdiction of the Committee on Banking and Currency. (614) *Rule XI, section 5.*

BANKING AND CURRENCY, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (614) *Rule XI, section 5.*

BARGAINS.

The Clerk makes or approves all contracts, bargains, or agreements relative to supplies or labor for the House. (1712) *Rule III, section 3.*

BILLS.

General provisions relating to.

The term "bill," as used in Rule XVII, is a generic term and includes all legislative propositions which can come before the House. (458, 1006) *1-48, Journal, p. 1296, Record, p. 4403.*

Provisions of the statutes relating to bills and resolutions. (455) *Revised Statutes, sections 7-11; 28 Stat. L., p. 609.*

Enacting and resolving words must be confined to the first section of bills and resolutions. (455) *Revised Statutes, section 9.*

Each section of a bill shall be numbered and shall contain as nearly as may be a single proposition of enactment. (455) *Revised Statutes, section 10.*

BILLS—Continued.*General provisions relating to*—Continued.

A joint resolution is a bill within the meaning of the rules. (459) 3-27, *Globe*, p. 384.

When a bill, resolution, or memorial is introduced "by request," the words are entered on the Journal and Record. (451) *Rule XXII*, section 4.

The bills are delivered to the committees by the distributing clerk. (601) *Jefferson's Manual*, Section XXVI, p. 139.

General provisions—Power of committee over.

A committee have full power over a bill, but may not change the title or subject. (601) *Jefferson's Manual*, Section XXVI, p. 139.

Committees may not interline or blot bills, but must set down the amendments separately. (601) *Jefferson's Manual*, Section XXVI, p. 141.

The rule establishing certain privileged bills which may be reported from committees at any time. (398) *Rule XI*, section 59.

General provisions—Printing.

The rule regulating the printing of bills, reports, resolutions, and documents. (1746) *Rule XLV*.

The law gives specific directions as to the numbers of bills to be printed, the ordering of the same, and the publication of documents. (1750) 28 *Stat. L.*, pp. 608-614.

Committee on Printing may, under certain circumstances, order reprint of a public bill. (1750) 28 *Stat. L.*, p. 601.

General provisions—Reading of.

The rule for the reading, engrossment, and passage of bills. (467) *Rule XXI*, section 1.

A bill which has been read in full and considered in Committee of the Whole does not require to be read in full again when taken up for action in the House. 3-55, *Record*, pp. 1614, 1634, 2581.

There is no rule requiring that the text of a bill which has been read in the House shall be printed in either the Journal or the Record. (1683, 1684, 1685) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021,

General provisions—Consideration and voting.

On the votes on the engrossment and third reading and on the passage a division so as to vote separately on various propositions of the bill may not be demanded. (1137) 1-53, *Journal*, pp. 21, 22.

The clerk certifies the passage of all bills and joint resolutions. (1712) *Rule III*, section 3.

The rejection of a bill is notified by message to the House in which it originated. (1463) *Jefferson's Manual*, Section XLVII, p. 179. 1025; 1-53, *Journal*, p. 125; 1-54, *Record*, p. 47.

The withdrawal of an objection to the consideration of a bill does not bring it again before the House if other business has been taken up. (445) 2-55, *Record*, pp. 5159, 5161.

BILLS—Continued.*General provisions—Consideration and voting*—Continued.

Bills considered in the morning hour must be called up by authorization of the committees; but the Speaker can not, in case of dispute, decide as to the validity of such authorization. (705) 2-49, *Record*, p. 43.

A bill having been brought before the House on motion of a committee, and consideration having begun, the validity of the authorization by this committee may not then be questioned. (706) 2-51, *Journal*, p. 55, *Record*, pp. 487, 488.

The Speaker may not rule a bill out of order for the reason that the subject has been acted on in another way in another bill, the question being one for the House to determine. (462) 2-54, *Journal*, p. 155, *Record*, p. 1663.

Anything in a bill agreed to by both Houses may not be stricken out at a conference. (1321) *Jefferson's Manual*, section XLV, p. 175.

A petition or bill excluded under section 1 of Rule XXII is to be returned to the Member presenting it. (449) *Rule XXII*, section 2.

Appropriation bills—Privilege of.

General appropriation bills may be reported at any time from the committee having charge of them. (398) *Rule XI*, section 59.

The rule giving revenue and general appropriation bills precedence on the motion of the appropriate committees. (389) *Rule XVI*, section 9.

In making the required motion under section 9 of Rule XVI, it is in order to designate the particular appropriation bill to be considered. (390) 1-51, *Record*, p. 3256.

The motion to go into Committee of the Whole to consider general appropriation bills is highly privileged and may be made on a suspension day. (391) 2-51, *Journal*, p. 251.

The motion to go into Committee of the Whole to consider revenue bills and the motion to do the same to consider appropriation bills are of equal rank. (395) 2-52, *Journal*, p. 108.

A motion to go into Committee of the Whole to consider general appropriation bills is in order Friday as on other days. (392) 1-51, *Record*, p. 2747, *Journal*, p. 398.

The motion to go into Committee of the Whole to consider general appropriation bills has precedence of a motion to go into Committee of the Whole on Friday to consider the Private Calendar. (393, 394) 2-55, *Record*, pp. 1436, 6077, 6078.

General appropriation bills have a highly privileged character which continues at all stages of proceedings, even on Fridays. (413) 1-51, *Journal*, p. 910, *Record*, p. 8027.

The right of the Committee on Appropriations to report at any time is confined strictly to the general appropriation bills. (409-412) 2-44, *Journal*, p. 394, *Record*, p. 1320; 1-52, *Journal*, p. 348, *Record*, p. 6966; 2-55, *Record*, pp. 1589, 4500.

BILLS—Continued.**Appropriation bills—Legislation, etc.**

The "rider" rule for preventing legislation on appropriation bills. (485) *Rule XXI, section 2.*

Decisions relating to the "rider" rule (referring to legislation on appropriation bills). (485-600.) See "Appropriation Bills."

Respective duties of the House and Senate as to receding from disagreements over appropriation bills. (1365, footnote) 1-54, *Cong. Record*, pp. 6379, 6417, 6422; 2-55, *Record*, pp. 6536-6544, 6592; 2-55, *Senate Report No. 577.*

An instance where general appropriation bills were originated by the Senate and tabled by the House. (135, footnote) 1-34, *Journal*, p. 843, April 17, 1856; 1-34, *Globe*, p. 951.

The river and harbor bill is not a general appropriation bill. (461, 919, 1645) 1-51, *Record*, pp. 5362, 5397; 2-48, *Record*, pp. 1604-1612, 1677, 1927, 2097.

The river and harbor bill, not being one of the general appropriation bills, the rule relating to legislation on such bills does not apply to it. (569) 3-46, *Record*, pp. 1618-1624.

Appropriations for the staff of employees in the office of the Commissioner of Indian Affairs belong to the legislative appropriation bill. 3-55, *Record*, pp. 281, 282.

Revenue bills.

The Committee on Ways and Means may report revenue bills at any time. (398) *Rule XI, section 59.*

The right to report at any time a bill raising revenue belongs only to the Ways and Means Committee. (404) 1-49, *Record*, pp. 7331, 7332.

The words "raising revenue" in the rule giving privilege to the Ways and Means Committee is broadly construed to cover bills relating to the revenue. (408) 2-55, *Record*, p. 4581.

A "bill raising revenue" means a bill repealing a revenue law as well as one enacting such law. (134, footnote) 2-45, *Journal*, p. 1303, *Record*, pp. 4605-4614.

A bill providing for a tariff commission was decided not to be a revenue bill within the meaning of the rule giving such bills privilege. (403) 1-47, *Record*, pp. 1681-1687.

The Constitution provides that all bills raising revenue shall originate in the House. (452) *Constitution, Article I, section 7, p. 6.*

The question as to the invasion of the privileges of the House when the Senate has originated revenue bills. (133-135) 2-27, *Journal*, p. 287, *Globe*, pp. 195, 196; 2-45, *Journal*, p. 1303, *Record*, pp. 4605-4614; 2-48, *Journal*, pp. 316, 317, 332, 333, *Record*, pp. 948, 962.

Alleged infringement by the treaty-making power on the constitutional right of the House to originate revenue measures presents a question of privilege. (139) 2-49, *Journal*, pp. 349, 350, *Record*, p. 917.

BILLS—Continued.*Amendment of.*

While the decisions have not been uniform, those most recently made have held that an amendment must be germane to the particular paragraph under consideration rather than to the general provisions of the bill. (1061–1066) 2–45, *Journal*, p. 1230, *Record*, pp. 4161, 4162; 1–55, *Record*, pp. 353, 474, 529, 3483, 4449.

A bill being before the House by unanimous consent, it is subject to any amendment which may be proposed under the rules. (1054) 1–45, *Journal*, p. 223, *Record*, pp. 458, 459.

The amendment of the numbering of the sections of a bill is done by the Clerk. (1046) *Jefferson's Manual*, Section XXXI, p. 161.

A bill may not be amended on its first reading. (1046) *Jefferson's Manual*, Section XXIV, p. 137.

Approval of.

The provisions of the Constitution relating to the approval of bills and resolutions by the President. (452, 453) *Constitution*, Article I, section 7; 2–54, *Senate Report No. 1335*.

Messages from the Senate and President giving notice of bills passed or approved are entered in the *Journal* and published in the *Record*. (1448) *Rule XLI*.

A bill not returned by the President within ten days of its presentation to him (Sundays excepted) becomes a law, unless Congress by their adjournment prevent its return. (1466) *Constitution*, Article I, section 7, p. 6.

It is usual for the President to inform the House by message of such bills as he has approved and of such as have become laws without his approval. (1456, 1457) 2–36, *Journal*, p. 424; 2–39, *Journal*, p. 479.

Changes or alterations of.

A new bill may be ingrafted by way of amendment or the words "Be it enacted," etc. (1046) *Jefferson's Manual*, Section XXXV, p. 158.

A motion to recommit a bill with instructions to bring the same subject-matter back in the form of a joint resolution is in order. (1012) 1–49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695.

It was decided, by reason of conditions arising from former rule No. 114, that a resolution of the House could not be amended so as to convert it into a joint resolution. (456) 1–32, *Journal*, p. 679, *Globe*, p. 1275.

It is not in order, by way of amendment, either directly or indirectly, to convert a public bill into a private bill. (1033, 1034) 1–48, *Journal*, p. 761; 2–53, *Journal*, pp. 350, 351, *Record*, p. 4011.

A bill for the enactment of a general provision of law is not germane to a bill for the relief of a private individual. (1074, 1430) 1–31, *Journal*, p. 784, *Globe*, p. 714; 1–52, *Journal*, pp. 311–312, *Record*, p. 6474.

BILLS—Continued.*Changes or alterations of*—Continued.

A private bill may not be converted into a public bill by way of recommitment. (460) 1-49, *Journal*, p. 571, *Record*, p. 1188.

To a private bill for the relief of one individual it is not in order to add an amendment for the relief of another individual. (1032, 1075) 1-49, *Journal*, pp. 702, 703, *Record*, pp. 1619, 1620; 2-32, *Journal*, p. 414.

A private bill for the relief of one individual may not be amended so as to extend its provisions to another individual, even indirectly, through a motion to recommit with instructions. (457) 1-49, *Journal*, pp. 702, 703.

To a private bill for the benefit of one institution an amendment for the benefit of another institution was offered and held not to be in order. (1080) 1-54, *Record*, p. 4096.

No change, however unimportant, should be made by an officer of the House in a bill that has received the sanction of the House. (131, footnote) 1-33, *Globe*, p. 2094.

The alleged improper alteration of a bill presents a question of privilege. (131) 1-33, *Journal*, p. 1194.

In Committee of the Whole.

All bills laying a tax or charge on the people or appropriating money or property must be considered in Committee of the Whole. (764) *Rule XXIII, section 3.*

Points of order are usually reserved when appropriation bills are referred to Committee of the Whole; otherwise the committee must consider the bill in its entirety and may not eliminate a portion which is in violation of rule. (1644-1649) 1-48, *Record*, p. 5014; 2-48, *Record*, pp. 1677, 1927, 2097; 1-54, *Record*, pp. 581, 1119; 1-54, *Record*, p. 3411; 2-54, *Record*, pp. 311, 312; 2-55, *Record*, p. 6083.

When a bill is taken up in Committee of the Whole its reading in full may be demanded, although it has just been read in the House. (468) 2-54, *Record*, p. 1660.

The time occupied in reading a bill in Committee of the Whole does not come out of the time allowed for general debate. (921) 2-43, *Record*, p. 1699.

A public bill having been reported by a committee and referred to the Committee of the Whole for consideration, a point of order may not be raised in Committee of the Whole as to the jurisdiction of the committee making the report. (669) 1-51, *Record*, pp. 2041, 2046.

A committee having reported a public bill grouping together the authorization of several distinct works, all within the jurisdiction of the committee, it was held that no point of order could be sustained when the bill came up in Committee of the Whole. (697) 1-52, *Record*, pp. 6168, 6173.

BILLS—Continued.*In Committee of the Whole*—Continued.

It is not in order to move in the House to postpone the consideration of a bill which is still in Committee of the Whole. (441) 1-52, *Journal*, p. 318; *Record*, pp. 6591, 6592.

Before general debate is closed in Committee of the Whole it is not in order to move that the committee rise and report the bill if any Member demand the right to amend. (729) 3-46, *Record*, pp. 1434, 1435.

Before the reading of a bill for amendments has been concluded in Committee of the Whole it is not in order to move that the committee rise and report the bill favorably. (730) 2-55, *Record*, p. 2737.

Where a bill is being considered by clauses or sections and the committee has passed a particular clause or section, it is not in order to recur thereto. (727, 728) 2-32, *Globe*, p. 730; 2-35, *Globe*, p. 1422.

An amendment to insert in a bill a new section having been presented and debated before an opportunity was given to amend fully the section last read, the Chairman held that it was in order to recur to the latter section. 3-55, *Record*, p. 719.

A motion to discharge the Committee of the Whole from the consideration of a measure which has not been concluded in committee is not in order. (731) 2-45, *Journal*, p. 619.

The House having resolved itself into Committee of the Whole for the purpose of considering a particular revenue or general appropriation bill, the Committee of the Whole may not take up another bill. (738) 3-46, *Record*, p. 1357.

In considering bills on the Calendar of the Committee of the Whole House it is in order, upon a motion made and carried, to take up a bill out of its order. (740) 1-54, *Record*, p. 5589.

Under the rule relating to the consideration of subjects in Committee of the Whole a point of order is good at any time before the consideration of the bill has commenced. (764) *Rule XXIII, section 3*.

When a bill is read through for amendments under the five-minute rule, a substitute is properly in order after the reading is concluded. (1106) 2-53, *Journal*, p. 485; *Record*, pp. 7547, 7560.

When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered under the five-minute rule, the substitute may be moved to the first paragraph, accompanied by a notice that motions will be made to strike out the other paragraphs as they are reached. (1103) 2-46, *Record*, p. 3093.

During consideration of a bill by paragraphs in Committee of the Whole a substitute was offered before all the paragraphs had been read, and as no further amendments had been or were now proposed to the text of the bill, and as the substitute had been debated, it was held to be in order to vote on the substitute. (1105) 2-49, *Record*, p. 1059.

BILLS—Continued.*In Committee of the Whole*—Continued.

A bill being reported from the Committee of the Whole with an adverse recommendation, and the House having disagreed to the recommendation, the bill stands recommitted. (938) *Rule XXIII, section 7.*

A series of bills having been reported from the Committee of the Whole, it was held, when they were taken up in the House on a succeeding day, that they should be considered in the order in which the Journal showed them to have been reported from the Committee of the Whole. 3-55, *Record*, p. 1628.

Engrossment.

Procedure in case of the loss of the engrossed copy of a bill. (475) 2-54, *Record*, p. 406.

It is not necessary that a committee report on the accuracy of the engrossed copy of a bill. (474) 1-51, *Journal*, p. 384; *Record*, p. 9104.

It is the right of a Member to demand at the proper time the reading in full of the engrossed copy of a bill. (470-472) 2-48, *Record*, p. 2251; 2-49, *Record*, p. 1062; 2-54, *Record* p. 3540.

Pending the demand for the previous question on the passage of a bill, or even after it is ordered, the reading of the engrossed copy may be demanded. (471) 2-49, *Record*, p. 1062.

After the yeas and nays have been ordered on the passage of a bill it is too late to demand the reading of the engrossed bill. (473) 1-52, *Journal*, p. 225.

It is not in order to demand the reading of the engrossed copy of a bill which is presented as the subject of a conference report. (472, footnote) 1-44, *Journal*, p. 1423.

Enrollment.

Subjects relating to enrollment of bills belong to the jurisdiction of the Committee on Enrolled Bills. (656) *Rule XI, section 57.*

Enrolling, signing, and attestation of bills on their passage between the two Houses. (478, footnote) *Jefferson's Manual, Section XLVIII*, p. 180; 1-52, *Journal*, p. 17.

The enrolling, signing, and presentation of bills to the President. (478, 1750) *Jefferson's Manual, Section XLVIII*, p. 180; 28 *Stat. L.*, pp. 601-624.

There having been no unreasonable delay in transmitting an enrolled bill to the President, a resolution relating thereto was decided not to present a question of privilege. (195) 1-50, *Journal*, p. 2309, *Record*, p. 8787.

Corrections in enrolled bills are sometimes made by concurrent resolutions. (476, 477) 1-54, *Record*, p. 5243; 2-55, *Record*, p. 5770.

Enrolled bills are sometimes presented to the House and signed by the Speaker during an informal rising of the Committee of the Whole. (760) 2-35, *Globe*, p. 1417.

BILLS—Continued.**Enrollment**—Continued.

There being doubt about the signing of enrolled bills by a Speaker pro tempore designated by the Speaker, the House proceeded to elect, and informed the Senate and President of its action. (60) *2-55, Record, p. 6757.*

Preamble.

The preamble is considered and adopted after the other parts are gone through. (464) *Jefferson's Manual, Section XXVI, p. 140.*

The preamble of a bill or joint resolution may be agreed to most conveniently after the engrossment and before the third reading. (466) *2-55, Record, p. 3820.*

Private.

The rule for the introduction of private bills. (448) *Rule XXII, section 1.*

The Speaker may withhold such private bills as in his judgment are of an obscene or insulting character. (448) *Rule XXII, section 1.*

The statutes provide that the term private bills shall mean bills for the relief of private parties, pension bills, and bills removing political disabilities. (455) *28 Stat. L., section 55, p. 609.*

The distinction between public and private bills. (1428).

A bill general in its enactments, although for the benefit of an individual or a corporation, is not a private bill. (1429) *2-44, Journal, p. 460, Record, p. 1641.*

A bill pensioning a battalion of volunteers has been held to be a private bill. (1431) *1-54, Record, p. 5598.*

Recall of.

Requests of the Senate for the return of a bill are treated as privileged in the House. (483, 484) *1-54, Record, pp. 5126, 6110.*

A Senate bill having been lost in the House, a resolution requesting a duplicate copy from the Senate was presented as privileged. (482) *1-54, Record, p. 2236.*

A bill having been sent from the House to the Senate by error, a resolution to recall it was decided to be privileged. (481) *3-53, Record, p. 2093.*

Bills that have been sent to the President are sometimes recalled by the House. (479, 480) *1-51, Journal, p. 828; 1-54, Record, p. 1703.*

Reference and committal.

Public bills, memorials, and resolutions are referred by the Speaker. (450) *Rule XXII, section 3.*

Changes of reference of public bills are made without debate or amendment. (447) *Rule XXII, section 3; 2-53, Journal, p. 202.*

The correction of the reference of a public bill presents a question of privilege. (125) *2-46, Journal, pp. 842-877, Record, pp. 1804, 1817, 1844, 1846.*

BILLS—Continued.*Reference and committal*—Continued.

The rule governing the change of reference of private bills. (449)

Rule XXII, section 2.

The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration, either in the House or in Committee of the Whole. (675-681) *1-53, Journal, pp. 118, 138; 2-53, Journal, p. 492; 3-53, Journal, pp. 15, 70, 71; 2-55, Record, pp. 2483, 2496.*

When a bill embraces subjects belonging to the jurisdiction of several committees, the main object of the bill may be taken as the test to show to which committee it should go. (678) *2-55, Record, p. 2483.*

It is in order for the House to refer a bill to any committee, though such committee under Rule XI may not have original jurisdiction of it. (1023) *1-48, Journal, p. 703.*

A petition properly referred to a committee gives jurisdiction for reporting a bill. (666) *1-32, Journal, p. 935.*

It has generally, though not always, been held that a committee may not report a bill whereof the subject-matter has not been referred to them by the House. (661-665) *1-31, Journal, p. 590; 1-45, Journal, p. 159, Record, p. 256; 1-48, Journal, p. 1108; 1-51, Journal, p. 967, Record, p. 8772; 1-53, Journal, pp. 96-98.*

Bills for the payment or adjudication of private claims against the Government may go only to certain specified committees. (660)

Rule XXI, section 3.

Reference of a public bill or resolution to a committee of the House confers jurisdiction of it upon that committee. (670) *1-51, Journal, p. 87, Record, p. 376.*

The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it. (667, 668) *1-53, Journal, p. 147; 2-54, Record, pp. 725, 726.*

A motion to correct an error in referring a bill to the proper calendar presents a question of privilege. (126) *2-50, Journal, p. 534, Record, pp. 2020, 2021.*

A committee may not move to suspend the rules and pass a bill which has not been referred to it. (1597) *1-51, Record, p. 8772.*

No bill referred to a committee may be brought back into the House on a motion to reconsider. (1191) *Rule XVIII, section 2.*

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee. (995) *Jefferson's Manual, Section XXVIII, p. 143.*

A bill recommitted with instructions under section 1 of Rule XVII, and reported back, must again be passed to be engrossed and read a third time; and this having been done, may be again the subject of a motion to recommit when the question recurs on the passage. (996) *1-49, Journal, pp. 2168-2170, 6757, 6758.*

BILLS—Continued.*Title.*

Amendments to the title of a bill or resolution are not in order until after its passage, and are voted on without debate. (1043) *Rule XIX*.
 An amendment to the title of a bill is not in order on the day succeeding its passage, before the reading of the Journal. (1055) *2-53, Journal*, p. 132, *Record*, pp. 1806, 1807.

Vetoed.

Provisions of the Constitution relating to the approval and disapproval of bills by the President. (1466) *Constitution, Article I, section 7, p. 6*.
 The Constitution provides that the President's objections to a bill shall be entered at large on the Journal. (214) *Constitution, Article I, section 7, p. 6*.

A motion to discharge a committee from the consideration of a vetoed bill presents a question of privilege and is in order at any time. (124) *1-49, Journal*, p. 2397, *Record*, p. 7699.

To become a law a vetoed bill must receive on reconsideration a two-thirds vote, the yeas and nays of which must be entered on the Journal. (1466) *Constitution, Article I, section 7, p. 6*.

The two-thirds vote is construed to mean two-thirds of those present. (1470, 1471) *1-34, Journal*, pp. 1176, 1178, 1420, *Globe*, pp. 1563, 2036.
 Provisions of the statutes relating to bills passed over the President's veto. (1467) *18 Stat. L.*, p. 294.

The House may postpone the consideration of a vetoed bill to a future day. (1473-1477) *1-21, Journal*, p. 742, *Debates*, p. 1138; *1-28, Journal*, pp. 1081, 1084, 1085, *Globe*, p. 663; *2-33, Journal*, p. 8, *Globe*, p. 2; *3-53, Journal*, p. 190; *2-54, Record*, pp. 2667, 2668.

A veto message may not be read or considered in the absence of a quorum. (1472) *1-33, Journal*, p. 1341, *Globe*, p. 2144.

A vetoed bill received by way of the Senate is considered as if received directly from the President. (1470, 1471) *1-34, Journal*, pp. 1176, 1178, 1420, *Globe*, pp. 1563, 2036.

When a bill is returned to the House with the objections of the President it is usual to have the message read at once. (1468-1470) *2-27, Journal*, pp. 1032, 1051, *Globe*, pp. 695, 717; *1-29, Journal*, pp. 1209, 1214, 1218, *Globe*, p. 1183; *1-34, Journal*, pp. 1176, 1178, *Globe*, p. 1563.

The House has decided that a veto message may be referred to a committee, even without the bill. (1478) *2-27, Journal*, pp. 1253-1257, *Globe*, pp. 873, 875, 905.

The vote upon a bill returned with the President's objections is in all cases by yeas and nays. (1157) *Constitution, Article I, section 7, p. 6*.

The question of consideration may not be demanded against a bill returned with the objections of the President. (836, 837) *2-53, Journal*, p. 312, *Record*, pp. 3453, 3459; *3-53, Journal*, p. 190.

BILLS—Continued.**Vetoed—Continued.**

While the simple motion to refer a vetoed bill is in order it is not permissible to move to commit pending the demand for the previous question on the motion to reconsider the bill, or after the previous question is ordered. (1479) 1-47, *Journal*, p. 1792, *Record*, p. 6803.

Withdrawal of.

A bill presented by a committee under the call of committees may be withdrawn by authority of the committee. (463) 2-54, *Journal*, p. 77, *Record*, pp. 740, 764.

A member having presented a joint resolution, on his own motion was permitted to withdraw it, although the House was dividing on a demand for the previous question. (929) 2-29, *Journal*, p. 241, *Globe*, p. 272.

A member who has, by unanimous consent, presented a bill, may withdraw it while the House is dividing on an appeal from a decision relating to a proposed amendment. 3-55, *Record*, pp. 270, 271.

BLANKS.

Blanks left in a bill by one House may be filled by amendments made by the other. (1046) *Jefferson's Manual*, Section XXXV, p. 161.

In voting by ballot blanks are rejected, not being taken into the count or reported by the tellers. (1125) *Rule XL*.

BONDED DEBT.

Subjects relating to, are in the jurisdiction of the Committee on Ways and Means. (611) *Rule XI*, section 2.

BOOKS.

The Doorkeeper's inventory of furniture, books, etc., is reported to the House at the beginning and close of each session, and referred to the Committee on Accounts for examination, etc. (1719) *Rule I*, section 2.

Conditions relating to payment for, by Members. (11) *Revised Statutes*, section 42.

BOWMAN ACT.

Provisions of the Bowman and Tucker acts. (1437) 22 *Stat. L.*, p. 485; 24 *Stat. L.*, p. 505.

BRIBERY.

Penalties are provided for attempts to bribe Members, and a Member may not be interested in a public contract. (29) *Revised Statutes*, sections 1781, 1782, 3739-3742, 5450, 5500.

An attempt having been made in 1795 to bribe its Members, the House vindicated its privileges by immediate arrest, trial, and imprisonment of the offender. (155) 1-4, *Journal*, pp. 389, 407.

The House having arrested and punished John Anderson for an attempt to bribe a Member, the Supreme Court affirmed the right of the House so to do. (160) 1-15, *Journal*, pp. 117, 119, 129, 154; *Annals*, pp. 580, 614, 622, 626, 631, 639, 743, 790; 6 *Wheaton*, 204.

BRIBERY—Continued.

Member may not be tried or punished for an offense alleged to have been committed before his election. (31) *1-44, House report No. 815.*

A resolution to investigate the failure of the Post-Office Department to remove a postmaster who had attempted to influence a Member corruptly was decided not to present a question of privilege. (200) *1-53, Journal, p. 109.*

BUSINESS.*General provisions relating to—*

The reception of a message from the President or the Senate is not the transaction of business. (1452) *1-49, Record, p. 7243.*

The presence of a quorum is necessary for the House to do business (former decisions overruled). (266-268) *2-55, Record, p. 6557; 2-51, Journal, p. 162, Record, p. 1630; 2-53, Journal, pp. 326, 327.*

The absence of a quorum having been disclosed, there must be a quorum of record before the House may proceed to business. (256) *2-30, Globe, p. 624.*

The absence of a quorum having been disclosed, the only proceedings in order are the motions to adjourn or for a call of the House; and not even by unanimous consent may business be acted upon. (258) *2-42, Globe, p. 3855.*

Order of business.

The order of business. (344-447) *Rule XXIV, section 1.*

The rule provides that questions relating to the priority of business shall be decided without debate. (434) *Rule XXI.*

The rule governing the disposition of business on the Speaker's table. (347) *Rule XXIV, section 2.*

A Senate amendment requiring consideration in Committee of the Whole is referred from the Speaker's table to a standing committee, and the request for a conference gives no privilege. (351) *2-50, Journal, p. 348; Record, pp. 1216-1220.*

It is for the Committee of the Whole and not for the House to determine in what order bills upon the committee's calendar shall be taken up. (737) *2-54, Record, p. 1079.*

Subjects relating to, belong to the jurisdiction of the Committee on Rules. (651) *Rule XI, section 52.*

Unfinished.

The rule governing the disposal of unfinished business. (366) *Rule XXIV, section 3.*

Unfinished business on a day assigned to a committee goes over to the next day had by the committee. (368) *1-44, Journal, p. 860, Record, p. 2737.*

The unfinished business in a Committee of the Whole is first in order. (739) *1-54, Record, p. 4101.*

BUSINESS—Continued.*Unfinished—Continued.*

The unfinished business of a Friday, whether of a day or evening session, is in order before the motion to go into Committee of the Whole House. (369–373) *1–51, Journal, p. 344, Record, p. 2237; 2–52, Journal, p. 33, Record, p. 381; 1–54, Journal, p. 365, Record, p. 3536; 2–55, Record, pp. 1982, 2737.*

The rule relating to business before committees unfinished at the end of the session. (367) *Rule XXVII.*

A motion relating to the order of business does not recur as unfinished business on a succeeding day, even though the yeas and nays may have been ordered on it before adjournment. (374) *1–53, Journal, p. 88.*

A bill which, on a suspension day, was withdrawn with an agreement that it should be unfinished business on the next suspension day was held to continue as unfinished business although not called up on the day named. *3–55, Record, pp. 1501, 1502.*

Bills coming over with the previous question ordered do not lose their privileged position by reason of neglect to call them up. (370) *2–52, Journal, p. 33, Record, p. 381.*

A bill once brought up in the morning hour is considered until disposed of, although its consideration may extend over more than two days. (384) *2–55, Record, pp. 6593, 6594.*

BUSINESS ON THE SPEAKER'S TABLE.

Business on the Speaker's table is deferred by privileged matters, but is in order when such have been disposed of. (377) *1–54, Record, p. 4761.*

See also "Order of Business."

BUILDINGS, PUBLIC.

Legislation relating to, is under the jurisdiction of the Committee on Public Buildings and Grounds. (630) *Rule XI, section 22.*

CABINET.

The Speaker assigns gallery accommodations to the members of the Cabinet. (1741) *Rule XXXV.*

CALENDARS.*General provisions.*

The rule establishing the calendars for the reports of committees. (345) *Rule XIII, section 1.*

The rule regulating the making of nonprivileged reports from committees. (346) *Rule XIII, section 2.*

A motion to correct an error in referring a bill to the proper calendar presents a question of privilege. (126) *2–50, Journal, p. 534, Record, pp. 2020, 2021.*

A bill improperly reported from a committee is not entitled to its place on the calendar. *3–55, Record, pp. 705, 851.*

CALENDARS—CALL OF COMMITTEES. 311

CALENDARS—Continued.

General provisions—Continued.

Under the present practice of the House reports from the Court of Claims under the Bowman Act do not remain on the Private Calendar from Congress to Congress. (1433-1436) 1-50, *Record*, pp. 110, 779, 7436, 7437; 1-51, *Record*, pp. 2159, 2239.

Of Committee of the Whole.

The rule prescribing the order for considering business on the calendars of the Committees of the Whole. (396) *Rule XXIII, section 4.*

The Committees of the Whole determine the order of taking up business on their calendars. (397) 1-54, *Record*, p. 3283.

In considering bills on the Calendar of the Committee of the Whole House it is in order, upon a motion made and carried, to take up a bill out of its order. (740) 1-54, *Record*, p. 5539.

It is for the Committee of the Whole, and not for the House, to determine in what order bills upon the committee's calendar shall be taken up. (737) 2-54, *Record*, p. 1079.

When the House disagrees to the recommendation of the Committee of the Whole that the enacting clause of a bill be stricken out, the bill goes to the first place on the Calendar of the Committee of the Whole. (942) 1-51, *Record*, pp. 2237, 2238.

CALENDAR DAY.

A session of the House extending, by failure to adjourn, through the next calendar day, a special order for the latter day falls, as the session is of the legislative and not the calendar day. (1271) 1-50, *Journal*, pp. 1491, 1505, 1506, *Record*, pp. 2749, 2755.

CALL OF COMMITTEES.

See also "Morning hour."

The rule of the morning hour for the consideration of bills called up by committees. (375) *Rule XXIV, section 4.*

The Speaker may, upon statements from the chairman and other members of a committee, rule that the calling up of a bill has been authorized by a committee. 3-55, *Record*, pp. 221, 222, *Journal*, p. 34.

A bill must be actually on the House Calendar, and properly there also, in order to be considered in the morning hour. (378-380) 2-54, *Record*, pp. 83, 903, 1686.

The morning hour does not expire in sixty minutes unless on motion made and carried. (383) 1-54, *Record*, p. 3156.

At the end of sixty minutes the morning hour may be interrupted by a privileged report. (382) 1-51, *Journal*, p. 969, *Record*, p. 3319.

A bill once brought up in the morning hour is considered until disposed of, although its consideration may extend over more than two days. (384) 2-55, *Record*, pp. 6593, 6594.

312 CALL OF COMMITTEES—CALL OF HOUSE.

CALL OF COMMITTEES—Continued.

The period of the morning hour is deferred by the intervention of privileged questions, but is in order when such are disposed of. (376) 2-48, *Journal*, p. 476, *Record*, p. 1295.

A bill presented by a committee under the call of committees may be withdrawn by authority of the committee. (463) 2-54, *Journal*, p. 77, *Record*, pp. 740, 764.

CALL OF THE HOUSE.

General provisions of Constitution and rules.

The Constitution provides that a majority of the House shall constitute a quorum, but a smaller number may adjourn from day to day and be authorized to compel the attendance of absent Members. (238) *Constitution*, Article I, section 5, p. 5.

A quorum not being present, no motion is in order but for a call of the House or to adjourn. (298) 1-29, *Journal*, p. 355.

It is always in order, the failure of a quorum being shown, to proceed to secure the attendance of absent Members. (300) 1-50, *Record*, pp. 2718, 2719.

A call of the House is in order before the reading of the Journal. (221) 1-34, *Journal*, p. 1253, *Globe*, p. 1710.

Less than fifteen members may not order a call of the House. (310) 1-28, *Journal*, p. 885.

A call of the House may not be ordered by a minority of fifteen or more. (311) 2-53, *Journal*, p. 559, *Record*, p. 8409.

A quorum is not required on a motion relating to a call of the House. (313) 1-51, *Journal*, p. 991, *Record*, p. 9183.

The old rule for the call of the House and the arrest of Members. (297) *Rule XV*, section 2.

The rule whereby a quorum is obtained and the vote taken on the pending proposition by one roll call. (287) *Rule XV*, section 4.

Interpretations of section 4 of Rule XV by the Speaker. (288-296) 1-54, *Record*, pp. 4915, 6360; 2-54, *Record*, pp. 152, 1042, 1132, 1658; 2-55, *Record*, pp. 5304, 6247.

A quorum having failed to vote on a motion to adjourn, and the motion not being carried, a case is not presented for the use of section 4 of Rule XV. (288) 1-54, *Record*, p. 4915.

A motion to adjourn may be made before the call of the roll under section 4 of Rule XV. 3-55, *Record*, p. 1962.

Members answering "present" on a call under section 4 of Rule XV may be allowed to vote before the result is announced. (289) 1-54, *Record*, p. 6330.

During a call of the House under section 4 of Rule XV motions to excuse Members are in order, and a motion to adjourn must be seconded by a majority. (294) 2-54, *Journal*, p. 175, *Record*, p. 1858.

CALL OF THE HOUSE—Continued.*General provisions of Constitution and rules—Continued.*

A call of the House is not in order after the previous question has been ordered unless it appears upon an actual count by the Speaker that a quorum is not present. (960) *Rule XVII, section 2.*

Motions in order during.

The yeas and nays may be ordered during a call of the House. (340) *1-46, Record, p. 1577.*

It has been decided that during a call of the House the motion to reconsider might be entertained and might be laid on the table, although there was no quorum present. (318) *2-52, Journal, p. 77, Record, p. 1259.*

Less than a quorum being sufficient to dispense with proceedings under a call, the same vote is sufficient on reconsideration, and on a motion to table the motion to reconsider. (319) *2-43, Record, p. 1731.*

A quorum not being present, an appeal has been entertained, and a motion to lay that appeal on the table; but a motion to reconsider was ruled out of order. (299) *1-44, Journal, p. 1492, Record, pp. 5647, 5649.*

An appeal may be taken during a call of the House when less than a quorum is present. (340) *1-46, Record, p. 1577.*

During a call of the House the previous question may be ordered by less than a quorum. (326) *2-53, Journal, pp. 177, 194, Record, pp. 2297, 2300, 2388.*

It has been decided that less than a quorum might order the previous question on a proposition to secure the attendance of absent Members. (320) *2-53, Journal, p. 3301, Record, pp. 3705, 3716.*

A motion to fix the day to which the House shall adjourn is not in order during a call of the House. (326) *2-53, Journal, pp. 177, 194, Record, pp. 2297, 2300, 2388.*

A quorum not being present, a resolution directing the enforcement of section 40, Revised Statutes, is not in order as a measure to compel the attendance of absent Members. (301) *1-51, Journal, p. 1025, Record, p. 9922.*

A motion for a recess is not in order during a call of the House. (302, 303) *1-26, Journal, p. 843, Record, p. 361.*

During a call of the House a resolution construing the rule relating to the call or making a new rule is not in order. (305) *2-48, Journal, p. 675, Record, pp. 2165, 2166.*

On a motion for a call of the House a motion to excuse a Member from voting was held not in order, although the rule at that time permitted the motion. (306) *1-31, Journal, p. 1538, Globe, p. 1970.*

Roll call.

On a call of the House under section 2 of Rule XV a second call of the roll is not required. (332, 333, 337) *1-51, Journal, pp. 527, 935, Record, pp. 3903, 3371; 1-54, Record, p. 2805.*

CALL OF THE HOUSE—Continued.**Roll call—Continued.**

During proceedings under a call of the House the House may order the roll call repeated. (328) 2-52, *Journal*, p. 107, *Record*, p. 1990.

A roll call may not be interrupted by a motion to adjourn or that further proceedings under a call be dispensed with. (1170) 1-47, *Journal*, pp. 697, 641, *Record*, pp. 1238, 1245, 1366.

There is no rule or practice requiring a recapitulation of the names of those who appear on a call of the House after their names have been called. (248) 1-51, *Journal*, p. 991, *Record*, p. 9184.

Revoking leaves of absence.

A motion to revoke leaves of absence, being a proceeding to compel the attendance of absent Members, does not require a quorum. (312, 314) 1-48, *Journal*, p. 621; 1-51, *Journal*, p. 1031, *Record*, p. 9949.

A resolution revoking leaves of absence and directing the Sergeant-at-Arms to telegraph for absent Members is in order pending a call of the House, although a quorum may have been disclosed. (315) 2-53, *Journal*, pp. 256-258, *Record*, p. 3156.

Excuses.

During a call of the House less than a quorum may excuse a Member from attendance. (316, 317) 2-52, *Journal*, p. 77, *Record*, p. 1259; 2-54, *Record*, p. 606. But may not grant leave of absence. 2-53, *Journal*, pp. 326, 327.

While the absentees are being called for excuses a motion to excuse a Member from attendance and an appeal may not be debated. (334) 1-52, *Journal*, p. 342, *Record*, p. 6904.

During the call of the House motions to excuse Members may be made during the call of the roll for the presentation of excuses by absentees. (336) 2-53, *Journal*, pp. 326, 327, *Record*, p. 3703.

During a call of the House a motion to adjourn is in order pending the call of the roll for excuses. (335) 2-53, *Journal*, pp. 68, 69, *Record*, p. 512.

After the roll has been called for excuses and the House has ordered the arrest of absent Members, motions to excuse Members are in order only as they are brought to the bar. (337) 1-54, *Record*, p. 2805.

Arrest of Members.

A Member who appears and answers during a call is not subject to arrest. (331) 2-52, *Journal*, p. 180, *Record*, pp. 2300, 2325.

Form of motion for the arrest of absent Members (330, footnote):

“Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its Members as are absent without leave.”

CALL OF THE HOUSE—Continued.

Arrest of Members—Continued.

Members present in custody of the Sergeant-at-Arms have been allowed to vote on a motion to excuse another Member. (329) 1-52, *Journal*, pp. 167, 168, *Record*, pp. 3762, 3768, 3770.

The Sergeant-at-Arms may be directed to take into custody such Members as have absented themselves since the first call of the roll. (330) 2-52, *Journal*, p. 106, *Record*, p. 1969.

Although a quorum be present, the majority may direct the Sergeant-at-Arms to bring in all absentees. (307-309) 1-52, *Journal*, pp. 166, 167, *Record*, p. 3758; 1-52, *Journal*, pp. 160, 206, *Record*, pp. 3632, 3633, 4881, 4882.

A question of privilege has arisen over an alleged attempt of a door-keeper to arrest a Member leaving the Hall during a call of the House. (100 and footnote) 1-51, *Journal*, pp. 936, 937, *Record*, pp. 8373, 8375; 2-51, *Record*, p. 218.

During a call penalties have been imposed which contemplated the future appearance at the bar of absent Members. (321) 2-27, *Journal*, p. 672.

Continuing orders of arrest have been made sometimes by less than a quorum. (322-327) 1-30, *Journal*, pp. 1034, 1035, *Globe*, p. 926; 1-52, *Journal*, pp. 166, 167, *Record*, pp. 3761, 3765, 3766; 2-53, *Journal*, pp. 177, 185, 194, 284, 286, 287, 318, 319, *Record*, pp. 2297, 2300, 2388, 3333.

A question as to the constitutionality and propriety of a continuing order of arrest was held not to supersede a motion to discharge the Sergeant-at-Arms from further execution of the order. (204) 2-53, *Journal*, pp. 337, 338, *Record*, p. 3795.

The House having made a continuing order of arrest, a motion on the succeeding day that the Sergeant-at-Arms be summoned to report his action was ruled not to be a question of privilege. (201) 2-53, *Journal*, p. 149, *Record*, p. 2034.

Dispensing with proceedings under the.

A motion to dispense with further proceedings under a call does not require a quorum for its adoption. (339) 1-51, *Journal*, p. 1028, *Record*, p. 9946.

Proceedings under a call may be dispensed with although Members under arrest have not had the opportunity to make their excuses. (341) 1-52, *Journal*, p. 167, *Record*, p. 3770.

If a quorum be present, a call may be dispensed with although proceedings under it may not have begun. (342) 1-51, *Journal*, p. 844, *Record* p. 7111.

A motion to dispense with proceedings under the call having been once entertained, was ruled out of order pending a motion for the arrest of absent Members. (299) 1-44, *Journal*, p. 1492, *Record*, pp. 5647, 5649.

316 CALL OF THE HOUSE—CAPITOL.

CALL OF THE HOUSE—Continued.

Dispensing with proceedings under the—Continued.

A motion to dispense with proceedings under a call is not in order pending a motion that the Sergeant-at-Arms take into custody absent Members. (326) 2-53, *Journal*, pp. 177-194, *Record*, pp. 2297, 2300, 2388.

It has been held that a resolution revoking leaves of absence, directing that absent Members be notified to attend, and dispensing with proceedings under a call had precedence of a simple motion to dispense with proceedings under the call. (343) 2-53, *Journal*, pp. 330, 331, *Record*, pp. 3705, 3715.

Privilege and privileged questions.

During a call of the House, when a quorum is not present, a question of privilege may not be presented unless it be something connected immediately with the proceedings. (182) 2-52, *Journal*, p. 105, *Record*, p. 1964.

A conference report has been held in order even pending a motion for a call of the House, but it was not a case where the absence of a quorum had been ascertained. (1391 footnote) 1-31, *Journal*, p. 1590.

Suspension of rules, relative to.

The presence of a quorum being disclosed, a motion for a call of the House is not in order pending a motion to suspend the rules. (1568) 1-52, *Journal*, p. 277, *Record*, p. 5922.

CANALS.

Legislation relating to, is under the jurisdiction of the Committee on Railways and Canals. (627) *Rule XI*, section 19.

Points of order being reserved, paragraphs in river and harbor bill, including matters of which River and Harbor Committee has no jurisdiction, such as canals, may be ruled out in Committee of the Whole. (1644, 1645) 1-48, *Record*, p. 5014; 2-48, *Record*, pp. 1677, 1927, 2097.

CAPITOL.

The House wing of the Capitol, its care, management, etc. (1765) 4 *Stat. L.*, p. 266; 19 *Stat. L.*, p. 147; 1-41, *Journal*, p. 201; 21 *Stat. L.*, p. 388; 18 *Stat. L.*, p. 376; 20 *Stat. L.*, p. 391.

The Architect enforces the law relating to exhibition of works of art in the Capitol. (1765) 18 *Stat. L.*, p. 376; 20 *Stat. L.*, p. 391.

Duties of the Sergeant-at-Arms in connection with the care of the Capitol and control of the Capitol police. (1717) *Revised Statutes*, sections 1820, 1821, 1823-1825.

Protection of the laws of the District for Capitol square may be invoked by the Speaker. (1765) *Revised Statutes*, section 1819.

A proposition to investigate alleged unnecessary violence of policemen toward citizens on the Capitol grounds was ruled not to present a question of privilege. (205) 2-53, *Journal* p. 369, *Record* p. 4335.

CAPITOL POLICE.

Duties of the Sergeant-at-Arms in connection with the control of the Capitol police. (1717) *Revised Statutes, sections 1820, 1821, 1823-1825.*
Pay of a suspended member of the Capitol police force. (1717, footnote) *18 Stat. L., p. 345.*

CAUCUSES.

The Hall of the House is used only for the legislative business of the House, for caucus meetings of its Members, and for ceremonies in which the House votes to participate; and the Speaker may not entertain a motion to suspend the rule. (1739) *Rule XXXIII.*

CEMETERY.

Monuments may be erected to deceased Members in the Congressional Cemetery. (1759) *19 Stat. L., p. 54.*

CENSURE.

A Member who transgresses the rules of the House is liable to censure or other punishment. (871) *Rule XVI, section 4.*

The Committee of the Whole having risen and reported disorderly language used by a Member, a resolution of censure was held to be in order without a prior decision by the Speaker that the remarks were in fact against order. (1635) *1-51, Journal, pp. 623-625, Record, pp. 4861, 4862, 4868, 4876.*

CENSUS.

Subjects relating to belong to the jurisdiction of the Committee on the Twelfth Census. *Rule XI, section 58.*

CEREMONIES.

Ceremonies at a state funeral. *3-55, Record, p. 679.*

CERTIFICATES OF ELECTION.

By unanimous consent the oath of office may be administered to Members whose regular certificates have not arrived. (17, 18, 19) *2-51, Journal, p. 5, Record, p. 11; 1-54, Record, p. 4846; 2-54, Record, p. 301.*

See also "Credentials."

CHAIRMAN OF THE HOUSE.

In the Twenty-sixth Congress Mr. John Quincy Adams presided during the struggle over the organization. (928) *1-26, Journal, pp. 1-26.*

CHAIRMAN OF COMMITTEE.

Appointment, recognition, etc.

The chairmanship of a committee is determined by seniority, by election by the committee, or, in case of death of the chairman, by appointment by the Speaker. (608) *Rule X, section 3.*

The chairman of a committee having resigned his seat in the House, the committee elected a chairman. *3-55, Record, Journal, p. 30, Record, p. 195.*

318 CHAIRMAN OF COMMITTEE OF THE WHOLE.

CHAIRMAN OF COMMITTEE—Continued.

Appointment, recognition, etc.—Continued.

The chairman of a committee having in committee opposed a bill, must in the House yield prior recognition to a Member of his committee who has favored the bill. (71) *1-49, Journal, pp. 2225-2227, Record, pp. 7053-7057.*

The question as to the extent to which the chairman of a committee reporting a bill should be recognized to offer amendments to perfect it, in preference to other Members. (73) *2-53, Record, pp. 831, 887.*

Oaths to witnesses may be administered by chairmen of select or standing committees. (1709) *Revised Statutes, section 101.*

Clerks.

Clerks of committees are appointed by the chairmen, with the approval of the committee, and are paid at the public expense. (717) *Rule X, section 4.*

The chairman of a committee having a session clerk is not entitled to Member's clerk hire during a session. (23) *Decision of Comptroller Tracewell, July 7, 1898.*

Right of chairman of a committee having an annual clerk, to a Member's clerk hire. (23) *Decision of Comptroller Tracewell, July 7, 1898.*

Member succeeding to chairmanship of committee having a clerk must relinquish clerk hire. (25) *Decisions of First Comptroller (Bowler), 1893-94, p. 259.*

Members ceasing to be chairmen of committees by expiration of a Congress participate in extra allowance for clerk hire. (26) *Decisions of Comptroller (Bowler), Vol. I, p. 299.*

The chairman of a committee having a session clerk is entitled to clerk hire as soon as a session closes, although the session clerk may be paid to the end of the month. (27) *Decisions of Comptroller (Bowler), Vol. III, p. 22.*

As to the allowances for clerk hire to the chairman of the Temporary Committee on Accounts. (1736) *Decisions of Comptroller (Bowler), Vol. I, p. 384.*

CHAIRMAN OF COMMITTEE OF THE WHOLE.

In forming a Committee of the Whole the Speaker leaves the chair, after appointing a chairman, who has power to cause the galleries or lobby to be cleared. (724) *Rule XXIII, section 1.*

The Chairman of the Committee of the Whole may administer oaths to witnesses in any case under its examination. (1709) *Revised Statutes, section 101.*

The Sergeant-at-Arms, under the direction of the Chairman, maintains order in the Committee of the Whole. (1715) *Rule IV, section 1.*

A Member having defied or disregarded the authority of the Chairman of the Committee of the Whole, the committee has risen and reported to the House. (1632, 1633) *1-24, Journal, pp. 1209, 1225, Globe, p. 484.*

CHAIRMAN OF COMMITTEE OF THE WHOLE—Continued.

It is for the House and not for the Chairman of the Committee of the Whole to determine the privileges of a Member under a general leave to print in the Congressional Record. 3-55, *Record*, p. 2316.

The rule relating to admission to the privileges of the floor applies to the Committee of the Whole and its Chairman as well as to the House and the Speaker. (1744) 2-53, *Journal*, p. 90, *Record*, p. 840.

After the Chair has declared the result of a vote by tellers, he may not order the vote taken again because of alleged irregularities. (1141) 1-29, *Globe*, p. 347.

CHALLENGE.

Challenge of a Member by a Senator in 1796 was determined to be a breach of the privileges of the House. (156) 1-4, *Journal*, pp. 470-474, *Annals*, pp. 786-795.

An explanation having been demanded of a Member for a question asked during a trial for contempt, the House did not take up the matter as a question of privilege. (163) 1-22, *Journal*, p. 740, *Debates*, pp. 3023-3036.

CHANGE OF EXISTING LAW.

See "Appropriation bills."

The "rider" rule for preventing legislation on appropriation bills. (485) *Rule XXI*, section 2.

Interpretation of the rule prohibiting legislation on general appropriation bills. (530-580) See "Appropriation Bills."

It is not in order to move to recommit with instructions to report an amendment which would be a change of existing law. (1039, 1040) 2-52, *Journal*, p. 96, *Record*, p. 1754.

The question as to whether or not an amendment to a Senate amendment, being germane, may involve a change of law and therefore be such as would not have been in order if offered originally in the House. (1336-1338) 2-50, *Journal*, p. 667, *Record*, p. 2454; 2-48, *Record*, pp. 2421, 2422; 2-55, *Record*, p. 6098.

CHANGE OF REFERENCE.

Changes of reference of public bills are made without debate. (447) *Rule XXII*, section 3.

The rule governing the change of reference of private bills. (449) *Rule XXII*, section 2.

CHANGE OF VOTE.

Before the result has been finally announced by the Chair a Member may change his vote, but not thereafter. (1174-1176) 2-20, *Journal*, pp. 357, 358; 2-8, *Journal*, p. 71 (*Gales & Seaton*); 2-27, *Journal*, p. 263; *Globe*, p. 160.

A Member who has answered "present" on a roll call may change his record to "aye" or "no," but the rule does not permit the Speaker to entertain the request of a Member who has not answered to record his vote. (1178) 1-55, *Record*, pp. 1068, 1069.

CHAPLAIN.

Method of election of. (2) *Rule II.*

This officer is elected by *viva voce* vote, and is sworn to support the Constitution, to the faithful discharge of his duties, and to keep the secrets of the House. (1704) *Rule II.*

The election of a Chaplain has been held to constitute a question of privilege. (1723) 1-36, *Journal*, pp. 442, 443, *Globe*, p. 992.

The practice of electing a Chaplain was suspended during the Thirty-fifth Congress. (1724) 1-35, *Journal*, p. 58, *Globe*, pp. 25, 26.

The Chaplain opens each day's sitting with prayer. (1722) *Rule VII.*

CHARGES.

If charges arise against a Member, he is to be heard. (8) *Jefferson's Manual*, Section XVII, p. 132.

CHARTS OF COAST SURVEY.

Each Member entitled to ten. (11) 28 *Stat. L.*, pp. 620, 621.

CIVIL OFFICERS.

The President, Vice-President, and all civil officers of the United States may be removed on impeachment for treason, bribery, or other high crimes or misdemeanors. (1695) *Constitution*, Article I, section 3, p. 4; Article II, section 4, p. 17.

CIVIL PROCESS.

A Member having been arrested and detained on civil process, the House liberated him and restored him to his seat by the hands of its own officer. (153) 2-39, *Journal*, pp. 103, 105.

CIVIL SERVICE.

Subjects relating to, belong to the jurisdiction of the Committee on Reform in the Civil Service. (644) *Rule XI*, section 36.

CLAIMS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (639) *Rule X*, *Rule XI*, section 31.

CLAIMS.*Court of.*

The relations of the House with the Court of Claims. (1437) 22 *Stat. L.*, p. 485; 24 *Stat. L.*, p. 505.

No Member shall practice in. (7 footnote) *Revised Statutes*, section 1058.

Under the present practice of the House reports from the Court of Claims under the Bowman Act do not remain on the Private Calendar from Congress to Congress. (1433-1436) 1-50, *Record*, pp. 110, 779; 1-51, *Record*, pp. 2159, 2239.

Reports of judgments of the Court of Claims are transmitted to Congress at the first of every December session. (1437) *Revised Statutes*, section 1057.

General provisions.

Bills for the payment or adjudication of private claims against the Government may go only to certain specified committees. (660) *Rule XXI*, section 3.

CLAIMS—Continued.

General provisions—Continued.

Reports of findings of fact from the Court of Claims are referred to the committee having original jurisdiction in the matter. (1433) *1-50, Record, p. 110.*

A resolution sending a series of claims to the Court of Claims was held to be in order on the Private Calendar. (1432) *2-53, Record, pp. 5279, 5286.*

When an act has passed for the settlement of a claim, the Clerk may transmit to officer charged with settlement the papers, or loan to Government officers papers relating to matters pending before them. (1752) *Rule XXXIX.*

Taking of testimony in private claims. (1779) *20 Stat. L., p. 278.*

No officer or employee of the House shall be an agent for the prosecution of a claim against the Government. (1703) *Rule XLIII.*

It is the duty of the Committee on Accounts to inquire into and report violations of the rules forbidding officers or employees to be claim agents. (1703) *Rule XLIII.*

Committee of Whole, consideration in.

Bills releasing liability to the United States or referring any claim to the Court of Claims must be considered in Committee of the Whole. (764) *Rule XXIII, section 3.*

A bill admitting a class of claims to the Court of Claims for examination and report, but leaving Congress free as to final action in regard to payment, was held not to require consideration in Committee of the Whole. (797) *2-48, Journal, p. 260, Record, pp. 696, 697.*

A bill to create a commission to determine damages done to citizens was held not to provide for the payment or adjudication of a claim against the Government, and hence not to be affected by the prohibition of section 3 of Rule XXI. (682) *2-53, Journal, p. 493, Record, p. 7661.*

In appropriation bills.

Propositions to pay private claims against the Government (except judgments of the Court of Claims in the deficiency bill) are not in order in general appropriation bills. (581-585) *1-31 Globe, pp. 1617, 1651; 2-32, Globe, p. 736; 1-33, Globe, p. 385; 1-52, Record, p. 4668; 2-54, Record, p. 1445.*

A general appropriation bill provides only for the next fiscal year, and expenditures in preceding years, whether for claims or other objects, if in order on any general appropriation bill, belong to the general deficiency bill. (586-593) *1-51, Record, pp. 6201, 6228, 6233; 2-54, Record, pp. 1258, 1263.*

Provisions for the payment of claims against the Government are admitted in the general deficiency appropriation bill under certain circumstances. (594-598) *2-54, Record, p. 2065; 1-51, Record, pp. 8177, 8301, 8304.*

CLERK OF THE HOUSE.*Election of.*

Method of election. (1704) *Rule II.*

Election of the Clerk of the House presents a question of privilege.

(127) *1-31, Journal, p. 789.*

This officer is elected by viva voce vote, and is sworn to support the Constitution, to the faithful discharge of his duties, and to keep the secrets of the House; and appoints the employees of his department (1704) *Rule II.*

Duties at organization of House.

Duties of the Clerk at the organization of the House. (2)

At the beginning of each Congress the Clerk calls the Members to order, calls the roll, and presides pending the election of Speaker, deciding questions of order subject to an appeal. (1710) *Rule III, section 1.*

At the beginning of each Congress the Clerk makes up the roll of Members-elect, and declines to entertain motions to amend that roll when the House meets. (1714 and 1710 footnote) *Revised Statutes, section 31; 1-41, Globe, p. 3; 1-43, Record, p. 5; 1-45, Journal, p. 10.* Formerly motions to amend the roll were quite frequent. *1-38, Journal, p. 7.*

In the absence or disability of the Clerk the Sergeant-at-Arms may officiate at the organization of the House. (1717) *Revised Statutes, section 32.*

The Speaker *pro tempore* whom the House had just elected not being present, the Clerk held that the motion to adjourn was not business, and, under the circumstances, was the only motion in order. (57) *1-44, Journal, p. 1153, Record, p. 4132.*

A resolution to proceed to the election of a Speaker presents a question of privilege, and pending the decision another question of privilege may not be presented. (58) *2-44, Journal, p. 8, Record, p. 5.*

Legislative duties.

All motions shall be stated by the Speaker or read by the Clerk. (923) *Rule XVII, section 2.*

The Clerk notes decisions on questions of order in the Journal, publishes and distributes the Journal, and preserves for each Member a copy of documents printed by either of the two Houses. (1712) *Rule III, section 3.*

Petitions, memorials, and private bills are referred by Members and delivered to the Clerk, who enters them on the Journal and furnishes a transcript for the Record. (448) *Rule XXII, section 1.*

The amendment of the numbering of the sections of a bill is done by the Clerk. (1046) *Jefferson's Manual, Section XXXV, p. 161.*

Resolutions accompanying a report must be stated by the Speaker or read by the Clerk before being debated. (841) *2-48, Journal, p. 745, Record, pp. 2412, 2413.*

CLERK OF HOUSE—CLERKS OF COMMITTEES. 323

CLERK OF THE HOUSE—Continued.

Legislative duties—Continued.

Messages sent to the House by the President before its organization have been retained in custody of the Clerk, but have not been read.

(1450, 1451) *1-34, Journal, pp. 221-228, 231-233, 444, 511, Globe, pp. 111-113; 1-36, Journal, p. 83, Globe p. 268.*

The Clerk certifies the passage of all bills and joint resolutions. (1712) *Rule III, section 5.*

The Clerk attests and affixes the seal of the House to all writs, warrants, and subpoenas. (1712) *Rule III, section 3.*

Proceedings in cases of contested elections. (21) *Revised Statutes, sections 105-130; 18 Stat. L., p. 338; 20 Stat. L., p. 400; 24 Stat. L., p. 445.*

Duties as executive officer.

General duties of the Clerk. (1712, 1714) *Rule III, section 3; Revised Statutes, sections 31-33, 38, 58, 59, 60-69, 70-72, 94, 4837; 18 Stat. L., p. 389; 19 Stat. L., p. 145; 24 Stat. L., p. 346; 28 Stat. L., p. 159.*

It is the duty of the Clerk to have printed and delivered to each Member a list of the reports required to be made to Congress. (1711) *Rule III, section 2.*

The Clerk contracts for the stationery used by the House. (1714) *Revised Statutes, sections 66-69.*

The Clerk keeps the contingent fund and stationery accounts, pays Members' stationery accounts, and pays the officers and employees monthly. (1712) *Rule III, section 3.*

Stationery for the House and committees is furnished on requisition by the Clerk. (1757) *28 Stat. L., p. 624.*

The Clerk makes or approves all contracts, bargains, or agreements relative to supplies or labor for the House. (1712) *Rule III, section 3.*

The Clerk makes reports to the House of the receipts and expenditures of his office and the property under his charge. (1714) *Revised Statutes, sections 70, 72.*

No officer or employee of the House should produce papers of the House before a court without permission of the House. (1754) *1-46, Journal, p. 186.*

When an act has passed for the settlement of a claim the Clerk may transmit to officer charged with settlement the papers, or loan to Government officers papers relating to matters pending before them. (1752) *Rule XXXIX.*

The Postmaster having died, it was held that contracts for carrying the mails must be made by the Clerk, and not by the assistant postmaster. (1726) *Decisions of the Comptroller (Bowler), Vol. I, p. 496.*

Decision as to the employment of the index clerk. (1713)

CLERKS OF COMMITTEES.

Appointment, pay, etc.

Clerks of committees are appointed by the chairman, with the approval of the committees, and are paid at the public expense. (717) *Rule X, section 4.*

CLERKS OF COMMITTEES—Continued.*Appointment, pay, etc.*—Continued.

The committees having permanent or annual clerkships. (718 footnote) *30 Stat. L.*, pp. 850, 851.

There is no legal power to fill a vacancy in the clerkship of a committee after one Congress has expired and before the next House has been organized. (723) *Decisions of First Comptroller, '93-'94 (Bowler)*, p. 2.

The clerk to the Committee on Post-Offices and Post-Roads being appointed a postmaster in one of the States was decided to be entitled to his salary as clerk until his successor was appointed, although his salary as postmaster had already begun. (722) *Decisions of First Comptroller, '93-'94 (Bowler)*, p. 61.

A clerk of a committee who ceased to hold office on December 21 was held not to be entitled to the salary for the remainder of the month under the terms of a resolution directing the payment of salaries of employees for that month on the 20th. (721) *Decisions of the Comptroller (Bowler)*, Vol. II, p. 359.

The pay of clerks to committees and its computation. (719 footnote) *22 Stat. L.*, p. 378.

A session clerk is entitled to compensation only from the date when he enters upon the discharge of his duties with the committee. (720) *Decisions of the Comptroller (Bowler)*, Vol. II, p. 638.

Authorization and assignment.

Method of authorizing annual clerks to committees. (718) 1-50, *Record*, pp. 7884, 7885.

The Committee on Accounts authorizes and assigns clerks to committees. (1737) 2-55, *Record*, pp. 264, 265.

The method of assigning session clerks to committees not having annual clerks. (719) 2-55, *Record*, p. 79.

Duties, etc.

At the time of final adjournment the clerks of committees are required to deliver to the Clerk of the House the papers of the committees. (1751) *Rule XXXVIII, section 1.*

Clerks are entitled at certain times to privileges of floor of the House. (1740) *Rule XXXIV.*

CLERKS OF MEMBERS.

Conditions of the employment of clerks by Members. (24) *Decisions of First Comptroller, '93-'94 (Bowler)*, pp. 43, 44.

Not required to take the oath prescribed by section 1756, Revised Statutes. (24) *Decisions of First Comptroller, '93-'94 (Bowler)*, pp. 43, 44.

A Member-elect is not entitled to clerk hire. (28) *Decisions of the Comptroller (Bowler)*, Vol. III, p. 20.

Chairman of a committee having a session clerk is entitled to clerk hire as soon as a session closes, although the session clerk may be paid to the end of the month. (27) *Decisions of the Comptroller (Bowler)*, Vol. III, p. 22.

CLERKS OF MEMBERS—COMMIT, MOTION TO. 325

CLERKS OF MEMBERS—Continued.

Members ceasing to be chairmen of committees, by expiration of a Congress participate in extra allowance for clerk hire. (26) *Decisions of the Comptroller (Bowler)*, Vol. I, p. 299.

A Member succeeding to the chairmanship of a committee under section 3 of Rule X is not entitled to clerk hire if the committee has a clerk. (25) *Decisions of First Comptroller, '93-'94 (Bowler)*, p. 259.

Chairmen of committees entitled to annual clerks are allowed clerk hire during vacations. (23) *Decision of Comptroller Tracewell, July 7, 1898.*

The chairman of a committee having a session clerk not entitled to Member's clerk hire during a session. (23) *Decision of Comptroller Tracewell, July 7, 1898.*

As to the allowances for clerk hire to the chairman of the Temporary Committee on Accounts. (1736) *Decisions of the Comptroller (Bowler)*, Vol. I, p. 384.

COINAGE.

Subjects relating to, belong to the Committee on Coinage, Weights, and Measures. (615) *Rule XI, section 6.*

COINAGE, WEIGHTS, AND MEASURES, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (615) *Rule XI, section 6.*

COLUMBIA HOSPITAL.

Directors to be appointed by the Speaker. (48) *17 Stat. L.*, p. 360.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

Directors to be appointed by the Speaker. (48) *Revised Statutes, section 4863.*

COMMERCE.

Subjects relating to, belong to the jurisdiction of the Committee on Interstate and Foreign Commerce. (616) *Rule XI, section 7.*

COMMISSIONS.

Commissions are sometimes constituted by law to perform certain duties, like making investigations, etc. (602 footnote) *28 Stat. L.*, p. 392, *30 Stat. L.*, p. 476.

The eligibility of Members of the House for appointment as members of commissions created by act of Congress. 3-55, *Report of H. of R.*, No. 2205.

COMMIT, MOTION TO.

General provisions.

The parliamentary law as to commitment and recommitment. (995) *Jefferson's Manual, section XXVIII, pp. 142, 143.*

It is a privileged motion and has a precedence determined by rule. (924) *Rule XVI, section 4.*

This motion being once put and decided is not allowable again on the same day at the same stage of the proceedings. (924) *Rule XVI, section 4.*

COMMIT, MOTION TO—Continued.**General provisions**—Continued.

The previous question not being asked or ordered the motion to commit is amendable, as by adding instructions. (1010, 1045) *1-47, Journal, p. 1724, Record, p. 6475; Jefferson's Manual, section XXXIII, p. 153.*

The motions to refer, commit, and recommit are in effect one motion, and in general are governed by the same rules. (1010) *1-47, Journal, p. 1724, Record, p. 6475.*

The question as to the extent of debate allowable on a motion to commit. (1042) *2-52, Journal, p. 101, Record, p. 1956; Reed's Parliamentary Rules, section 120.*

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee. (995) *Jefferson's Manual, Section XXVIII, p. 143.*

The method of referring and distributing the President's messages. (1461, 1462) *2-55, Record, p. 11; 1-55, Record, p. 92; 1-52, Record, p. 20; 1-55, Record, p. 19; 1-51, Record, p. 188.*

On a motion to commit papers the reading of them may be demanded, but the rulings differ as to testimony accompanying a report which is to be committed. (1240, 1241) *1-34, Journal p. 1146, Globe, p. 1535; 2-50, Journal, p. 571, Record, p. 2118.*

The previous question being ordered on a motion to concur in a Senate amendment to a House bill, it is in order to commit the bill and amendment to a committee with instructions. (1005) *1-53, Journal, p. 162, Record, p. 3060.*

A concurrent resolution fixing the day for final adjournment is privileged, but is subject to the motion to commit. (1520) *1-50, Journal, p. 2941, Record, pp. 9546, 9547.*

It is in order for the House to refer a bill to any committee, though such committee, under Rule XI, may not have original jurisdiction of such bill. (1023) *1-48, Journal, p. 703.*

A bill being reported from the Committee of the Whole with an adverse recommendation, it is in order to move to refer to a committee before the question is put on concurrence. (938) *Rule XXIII, section 7.*

With instructions.

A division of the question is not in order on a motion to commit with instructions or on the different branches of the instructions. (1134-1136) *1-17, Journal, p. 507; 1-31, Journal, pp. 1395-1397, Globe, p. 1756; 1-32, Journal, p. 611, Globe, p. 1124.*

It is not in order to move to commit with instructions a matter which is committed for the first time. (1541) *1-46, Journal, p. 437.*

The motion to recommit with instructions may be made before the engrossment of a bill (the previous question not being ordered), and is debatable. *3-55, Record, pp. 595, 597.*

COMMIT, MOTION TO—Continued.

With instructions—Continued.

A bill being recommitted to a committee with instructions to reexamine and amend a certain portion, it is not in order for the committee to review other portions of the bill. (1003) *1-54, Record, p. 1342.*

A motion to recommit a bill with instructions to bring the same subject-matter back in the form of a joint resolution is in order. (1012) *1-49, Journal, pp. 378, 379, Record, pp. 694, 695.*

A resolution to commit, which creates a select committee, may, at the same time, as part of the instructions to the committee, give to it the power to send for persons and papers. (1020) *2-44, Journal, p. 297, Record, p. 926.*

A bill may be recommitted with instructions that it be reported "forthwith," and this report may be made at once by the chairman of the committee; and is not subject to the point that it must be considered in Committee of the Whole if it has previously been considered there. (1022) *2-51, Journal, pp. 312-321, Record, pp. 3505-3508.*

It is not in order to move to recommit a bill with instructions to the committee to report an amendment which is not germane. (1023-1031) *2-35, Journal, p. 389, Globe, pp. 1007, 1009; 1-48, Journal, pp. 703, 1247, Record, pp. 4256, 4257; 2-51, Journal, p. 165, Record, p. 1638; 2-53, Journal, pp. 446, 453, Record, pp. 6739, 6908; 1-55, Record, pp. 939, 1187; 2-55, Record, p. 811.*

It is not in order to do indirectly, by a motion to recommit with instructions, what would not be in order directly as an amendment. (1024, 1029, 1031-1039) *1-48, Journal, p. 1247, Record, pp. 4256, 4257; 1-55, Record, p. 939; 2-55, Record, p. 811; 1-49, Journal, pp. 702, 703, 2363, Record, pp. 1619, 1620, 7613; 1-48, Journal, p. 761; 2-53, Journal, pp. 256-258, 350, 351, Record, pp. 3155, 4011; 1-51, Journal, pp. 984, 985, Record, p. 9105; 1-52, Journal, pp. 86, 87, Record, p. 1698; 3-55, Journal, pp. 170, 174, Record, pp. 1960, 1995.*

On a motion to recommit with instructions, the instructions may not authorize the committee to report at any time, as such would be a change of the rules. (1020, 1021) *2-44, Journal, p. 297, Record, p. 926; 2-47, Journal, p. 229, Record, pp. 1147, 1148.*

It is not in order to recommit a bill with instructions to report as an amendment matter which has just been stricken out by a vote of the House. (1035) *1-49, Journal, p. 2363, Record, p. 7613.*

It is not in order to move to recommit with instructions to report an amendment which would be a change of existing law. (1039, 1040) *2-52, Journal, p. 96, Record, p. 1754; 2-53, Journal, p. 436, Record, pp. 6433, 6434.*

It is in order to move to recommit with instructions to strike out one of several propositions that have been inserted by an amendment agreed to by the House. (1041) *3-53, Journal, pp. 156, 158, Record, p. 2729.*

COMMIT, MOTION TO—Continued.**Recommittal.**

When a report is recommitted, what has passed before in the committee is of no validity, and the whole question is again before the committee. (995) *Jefferson's Manual, Section XXVIII, p. 142.*

A private bill may not be converted into a public bill by way of recommitment. (460) *1-49, Journal, p. 571, Record, p. 1188.*

The point being made that the House alone might not recommit with instructions to a joint committee created by act of Congress, the Speaker held that it was for the House and not the Chair to decide upon the effect of their action. (1002) *1-32, Journal, p. 611.*

The Committee of the Whole sometimes reports a bill with the recommendation that it be recommitted to a standing committee with certain instructions. (748) *1-51, Record, p. 7263.*

A bill reported to the House for printing, and recommitted, is when reported for consideration subject to the point of order that it must be considered in Committee of the Whole. (999) *1-51, Journal, p. 830, Record, pp. 701, 5441.*

A bill being under consideration in the House as in Committee of the Whole, a motion to recommit was decided to be in order, although the reading by sections had not been entered upon. (806) *1-52, Journal, pp. 31, 32; Record, pp. 303, 432.*

Precedence of motions.

Before the stage of disagreement has been reached the motion to refer Senate amendments has precedence of the motion to concur. (1343-1345) *1-48, Record, p. 3942; 2-52, Journal, p. 101, Record, p. 1954; 2-54, Record, p. 372.*

In Committee of the Whole the motion to report a bill with the recommendation that it be referred takes precedence of the motion to report it with the recommendation that it do pass. (745) *1-54, Record, p. 889.*

In Committee of the Whole a motion to report a bill with the recommendation that it lie on the table has precedence of the recommendation that it be postponed to a day certain or be recommitted to a standing committee. (747) *2-55, Record, pp. 3923, 3924.*

Conference reports.

It is not in order to recommit a conference report to the committee of conference. (1412) *2-49, Record, p. 880.*

A conference report, made first in the Senate and there recommitted and again reported, was acted on by the House after the Senate had agreed to it. *3-55, Record, pp. 2823, 2842, 2843, 2923-2925.*

A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (1410, 1411) *2-27, Journal, p. 1248, Globe, p. 868; 1-49, Journal, p. 2515, Record, p. 7932.*

COMMIT, MOTION TO—Continued.

Conference reports—Continued.

A conference report may not be referred to a standing committee. (1413) 2-55, *Record*, p. 4636.

In relation to the previous question.

It is in order (under Rule XVII), pending the motion for or after the previous question has been ordered on the passage of a bill, to submit a motion to commit, with or without instructions, to a standing or select committee. (959) *Rule XVII, section 1.*

The term "bill" as used in Rule XVII is a generic term and includes all legislative propositions which can come before the House. (1006) 1-48, *Record*, p. 4403.

The motion to commit under section 1 of Rule XVII is amendable under the rules of the House unless the previous question is ordered upon it. (1011-1013) 1-48, *Journal*, p. 1430; 1-49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695; 3-53, *Journal*, pp. 28, 29, *Record*, p. 230.

The motion to commit under section 1 of Rule XVII is subject to amendment but is not debatable. (1012) 1-49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695; 1-54, *Record*, p. 4477.

Only one motion to commit is in order pending the demand for the previous question on the passage of a bill, or after the previous question is ordered. (1014) 1-48, *Journal*, pp. 338, 339, *Record*, p. 466.

The motion to commit under section 1 of Rule XVII is not in order before the engrossment and third reading, although the previous question may be ordered on the engrossment and third reading to the passage, at one vote. (1015-1017) 1-54, *Record*, p. 5753; 2-55, *Record*, pp. 3015, 4649.

The question on the engrossment and third reading of a bill being determined in the negative, the motion to recommit under section 1 of Rule XVII may not be made. (1018-1019) 3-53, *Journal*, p. 114; 2-54, *Record*, pp. 690, 725.

The motion to recommit with instructions, made before the engrossment, is cut off by the ordering of the previous question on the bill to its passage. 3-55, *Record*, pp. 595, 597.

The motion to recommit may be made after the engrossment and third reading of a bill, even though the previous question may not have been ordered. 3-55, *Record*, p. 1960.

The Committee of the Whole having decided between two propositions and the House having agreed to the amendment embodying that decision, it was held to be in order in the House to move to recommit with instructions that in effect brought the two propositions to the decision of the House. 3-55, *Record*, pp. 2255, 2257.

- The vote whereby a bill was passed having been reconsidered, amendments having been made and the third reading ordered again, a motion to recommit was held to be in order, although such a motion had previously been rejected. (997) 1-51, *Journal*, p. 946, *Record*, pp. 8473-8476.

330 COMMIT, MOTION TO—COMMITTEES.

COMMIT, MOTION TO—Continued.

In relation to the previous question—Continued.

A bill recommitted with instructions under section 1 of Rule XVII, and reported back, must again be passed to be engrossed and read a third time; and, this having been done, may be again the subject of a motion to recommit when the question recurs on the passage. (996) 1-49, *Journal*, pp. 2168-2170, *Record*, pp. 6757, 6758.

Before the adoption of rules the motion to recommit is in order pending the demand for the previous question or after it is ordered. (998) 1-53, *Journal*, pp. 8, 9.

The motion to commit provided for in section 1 of Rule XVII may be applied to a motion to amend the *Journal*. (1001) 2-46, *Record*, pp. 1814, 1815.

The previous question having been ordered and a motion to recommit having been made pending the vote on the passage, it was held that a motion to lay on the table the motion to recommit was not in order. (1000) 1-52, *Journal*, pp. 154, 155, *Record*, p. 3540.

When the previous question has been ordered on a resolution and a proposed amendment in the nature of a substitute, the motion to recommit is in order after the disposal of the substitute and when the question is pending on the passage. (1007-1009) 1-52, *Journal*, pp. 154, 155, *Record*, p. 3538; 1-51, *Journal*, p. 1014, *Record*, p. 9749; 1-54, *Record*, p. 4242.

The previous question having been ordered on the resolutions in a contested-election case and on a substitute therefor, a motion to recommit with instructions was held in order after the substitute had been voted on and when the question was on the final disposition of the resolutions. (1004) 1-52, *Journal*, p. 156, *Record*, pp. 3538-3540.

The motion to commit after the engrossment and third reading, and its relation to the terms of special orders. (1277-1279) 2-50, *Record*, pp. 1062, 1401; 3-53, *Journal*, p. 102; 1-55, *Record*, pp. 71, 556.

After the previous question is ordered on a report from the Committee on Rules, the motion to recommit is admitted under the more recent practice of the House, although the rulings conflict. (1552-1555) 2-53, *Journal*, pp. 71, 72, *Record*, p. 534; 2-53, *Journal*, pp. 279, 280, *Record*, p. 3284; 1-54, *Record*, pp. 5382, 5469.

COMMITTEES.

Sittings and procedure of.

A majority of a committee constitute a quorum. (601) *Jefferson's Manual*, Section XXVI, p. 139.

A committee have full power over a bill, but may not change the title or subject. (601) *Jefferson's Manual*, Section XXVI, p. 139.

Committees may not interline or blot bills, but must set down the amendments separately. (601) *Jefferson's Manual*, Section XXVI, p. 141.

COMMITTEES—Continued.**Sittings and procedure of—Continued.**

Although committees meet when and where they please (except that they may not sit during sessions of the House without leave), they can only agree to a report acting together. (601) *Jefferson's Manual*, Section XXVI, p. 139.

No committee except the Committee on Rules may sit without leave during the sitting of the House. (657) *Rule XI*, section 60.

The House may empower a committee to sit during a recess which is within the constitutional session of the House. (602, footnote, 658) 1-32, *Journal*, p. 1119, *Globe*, pp. 2414, 2418; 2-45, *Journal*, p. 132, *Record*, pp. 228, 231.

The committee must rise instantly as soon as the House sits. (602) *Jefferson's Manual*, Section XI, p. 122.

A proposition to increase the duties of a committee is a change of the rules, and should be referred to the Committee on Rules. (659) 1-51, *Journal*, p. 1116, *Record*, pp. 10777, 10778.

A report being recommitted, the whole question is again before the committee, as if nothing had passed. (601, 995) *Jefferson's Manual*, Section XXVIII, p. 142.

Commissions are sometimes constituted by law to perform certain duties, like making investigations, etc. (602, footnote) 28, *Stat. L.*, p. 392; 30 *Stat. L.*, p. 476.

The rule relating to business before committees unfinished at the end of the session. (367) *Rule XXVII*.

A bill being recommitted to a committee with instructions to reexamine and amend a certain portion, it is not in order for the committee to review other portions of the bill. (1003) 1-54, *Record*, p. 1342.

It is not in order to move to recommit a bill with instructions to the committee to report an amendment which is not germane. (1023-1031) 1-48, *Journal*, pp. 703, 1247, *Record*, pp. 4256, 4257; 2-36, *Journal*, p. 389, *Globe*, pp. 1007, 1009; 2-53, *Journal*, pp. 446, 453, *Record*, pp. 6739, 6908; 2-51, *Journal*, p. 165, *Record*, p. 1638; 1-55, *Record*, pp. 939, 1187; 2-55, *Record*, p. 811.

A charge that a committee had been inactive in regard to a measure committed to it was decided not to constitute a question of privilege. (211) 2-53, *Journal*, p. 552, *Record*, p. 8339.

Reference of bills to.

The rule provides that all proposed legislation shall be referred to the committees in accordance with the jurisdiction which the rules define for them. (610) *Rule XI*.

The bills are delivered to the committees by the distributing clerk. (601) *Jefferson's Manual*, Section XXVI, p. 139.

COMMITTEES—Continued.*Reference of bills to*—Continued.

Members indorse on petitions, memorials, or bills of a private nature the committee to which they are to be referred. (448) *Rule XXII, section 1.*

The reference of public bills, memorials, and resolutions is entered in the Journal and Record, and correction of reference is made on motion of the committees concerned. (450) *Rule XXII, section 3.*

It is in order for the House to refer a bill to any committee, though such committee under Rule XI may not have original jurisdiction of such bill. (1023) *1-48, Journal, p. 703.*

No bill referred to a committee may be brought back into the House on a motion to reconsider, and all bills reported from a committee must be accompanied by reports in writing. (1191) *Rule XVIII, section 2.*

Interpretation of the rule that a bill may not be brought back from a committee by a motion to reconsider. (1195, 1196) *3-53, Journal, p. 22; 1-54, Record, p. 5208.*

It is in order pending the motion for or after the previous question has been ordered on the passage of a bill to submit a motion to commit, with or without instructions, to a standing or select committee. (959) *Rule XVII, section 1.*

The correction of the reference of a public bill presents a question of privilege. (125) *2-46, Journal, pp. 842-877, Record, pp. 1804, 1817, 1844, 1846.*

Jurisdiction of.

For the jurisdiction of the various committees of the House. (610-656) *Rule XI, sections 1-57.*

Reference of a public bill or resolution to a committee of the House confers jurisdiction of it upon that committee. (670) *1-51, Journal, p. 87, Record, p. 376.*

The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it. (667, 668) *1-53, Journal, p. 147; 2-54, Record, pp. 725, 726.*

The erroneous reference of a petition or private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration, either in the House or in Committee of the Whole. (449, 675-681) *Rule XXII, section 2; 1-53, Journal, pp. 118, 138; 3-53, Journal, pp. 15, 70, 71; 2-53, Journal, p. 492; 2-55, Record, pp. 2483, 2496.*

A petition properly referred to a committee gives jurisdiction for reporting a bill. (666) *1-32, Journal, p. 935.*

It has generally, though not always, been held that a committee may not report a bill whereof the subject-matter has not been referred to them by the House. (661-665) *1-31, Journal, p. 590; 1-45, Journal, p. 159, Record, p. 256; 1-48, Journal, p. 1108; 1-51, Journal, p. 967, Record, p. 8772; 1-53, Journal, pp. 96-98.*

COMMITTEES—Continued.*Jurisdiction of*—Continued.

Bills for the payment or adjudication of private claims against the Government may go only to certain specified committees. (660) *Rule XXI, section 3.*

A House bill relating to revenue, being returned from the Senate amended by a substitute relating to coinage, was in the House referred to the committee originally reporting it instead of to the committee having jurisdiction of the subject of the substitute. (671) *1-54, Record, pp. 343, 484, 1216, 1260.*

A public bill having been reported by a committee, and referred to the Committee of the Whole for consideration, a point of order may not be raised in Committee of the Whole as to the jurisdiction of the committee making the report. (669) *1-51, Record, pp. 2041, 2046.*

When a bill embraces subjects belonging to the jurisdiction of several committees, the main subject of the bill may be taken as the test to show to which committee it should go. (678) *2-55, Record, p. 2483.*

The Committee on Insular Affairs has jurisdiction of all subjects (excepting those affecting the revenue and appropriations) relating to Cuba, Puerto Rico, Guam, and the Philippines. *Rule XI, section 18.*

The appropriations for field guns and their appurtenances belong to the Appropriations and not to the Military Affairs Committee. (672, 673) *1-51, Record, pp. 2857, 2862; 2-55, Record, pp. 1479-1481.*

The Appropriations Committee may report appropriations for improvement of rivers and harbors that have been authorized by law and placed under contract. (674) *2-52, Record, pp. 1023, 1065.*

Points of order being reserved, paragraphs including matters of which Rivers and Harbors Committee has no jurisdiction, such as canals, may be ruled out in Committee of the Whole. (1644, 1645) *1-48, Record, p. 5014; 2-48, Record, pp. 1677, 1927, 2097.*

Appointment of.

The rule provides that the Speaker shall appoint the standing committees at the commencement of each Congress. (604) *Rule X, section 1.*

Select and conference committees are appointed by the Speaker under the rule. (605) *Rule X, section 2.*

Conference committees have been appointed by the Speaker since the earliest years of the House. (1696) *2-5, Annals, Vol. I, p. 952.*

A resolution providing for the appointment of a select committee is not in violation of the rule relating to the standing committees. (603) *1-47, Journal, p. 668, Record, pp. 1447, 1448.*

Criticism having been made by Members because of the delay of the Speaker in appointing the committees, the House has by vote expressed its approval of the Speaker's conduct. (606, 607) *1-55, Record, pp. 651, 874.*

COMMITTEES—Continued.*Appointment of*—Continued.

A Member may be appointed on a committee before he had taken the oath. (15) *2-49, Record, p. 1157; Jefferson's Manual, Section III, p. 112.*

A Member-elect may not vote until he has taken the oath. (602) *Jefferson's Manual, Section III, p. 112.*

At the end of each Congress the Speaker appoints a Temporary Committee on Accounts, to continue until the organization of the House in the next Congress. (1734) *28 Stat. L., p. 768.*

A conference committee is practically two distinct committees, each of which acts by a majority. (1401) *1-29, Globe, p. 1179.*

Delegates are appointed to certain committees, where they possess the same powers and privileges as in the House, and may make any motion except to reconsider. (609) *Rule XII.*

For their names, jurisdiction, powers, history, etc. (610-656) *Rule XI, sections 1-57.*

Chairmen of.

The chairmanship of a committee is determined by seniority, by election by the committee, or in case of death of the chairman, by appointment by the Speaker. (608) *Rule X, section 3.*

The chairman of a committee having resigned his seat in the House, the committee elected a chairman. *3-55, Record, p. 195, Journal, p. 30.*

The chairman of a committee having a session clerk is not entitled to Member's clerk hire during a session. (23) *Report of Comptroller Tracewell, July 7, 1898.*

Chairmen of committees entitled to annual clerks are allowed clerk hire during vacations. (23) *Report of Comptroller Tracewell, July 7, 1898.*

A Member succeeding to the chairmanship of a committee under section 3 of Rule X is not entitled to clerk hire if the committee have a clerk. (25) *Decisions of First Comptroller (Bowler), 1893-94, p. 259.*

Members ceasing to be chairmen of committees by expiration of Congress participate in extra allowance for clerk hire. (26) *Decisions of Comptroller (Bowler), Vol. I, p. 299.*

Chairman of a committee having a session clerk is entitled to clerk hire as soon as a session closes, although the session clerk may be paid to the end of the month. (27) *Decisions of Comptroller (Bowler), Vol. III, p. 22.*

Relations to debate.

It is not in order in the House to refer to the proceedings of a committee, or to read from the records thereof, except by authority of the committee. (713-716) *1-26, Journal, pp. 418, 423, Globe, p. 213; 1-31, Journal, p. 393, Globe, p. 214; 2-51, Journal, p. 67, Record, p. 647; 2-51, Journal, p. 174, Record, pp. 1787, 1788.*

COMMITTEES—Continued.*Relations to debate*—Continued.

A member of the committee having occupied the floor in favor of the measure, a Member opposing should be recognized, even though he be not a member of the committee. (72) 1-52, *Journal*, p. 152, *Record*, pp. 3429, 3430.

The chairman of a committee, having in committee opposed a bill, must in the House yield prior recognition to a member of his committee who has favored the bill. (71) 1-49, *Journal*, pp. 2225-2227, *Record*, pp. 7053-7057.

The question as to the extent to which the chairman of the committee reporting a bill should be recognized to offer amendments to perfect it, in preference to other Members. (73) 2-53, *Record*, pp. 831, 887.

The proceedings of a committee may not be published, as they are of no force until confirmed by the House, and a committee may receive a petition only through the House. (602) *Jefferson's Manual*, Section XI, p. 132.

Reports of.

The charge that a committee has reported a bill containing items of appropriation not in order under the rules does not present a question of privilege. (212) 1-54, *Record*, p. 2100.

A report having been ordered to be made by a committee, but not being made within a reasonable time, a resolution relating thereto was decided to be privileged. (125a) 2-51, *Journal*, p. 174, *Record*, p. 1789.

On a motion to recommit with instructions, the instructions may not authorize the committee to report at any time, as such would be a change of the rules. (1021) 2-47, *Journal*, p. 229, *Record*, pp. 1147, 1148.

A bill having been recommitted to a committee, with leave to report at any time, and being immediately reported by the chairman, is subject to the point of order that the committee have not considered it. (699) 2-50, *Journal*, p. 536, *Record*, p. 2028.

A motion directing a committee of the House to report a matter before them is not in order. (698) 2-55, *Record*, p. 760.

A committee having reported a public bill grouping together the authorization of several distinct works, all within the jurisdiction of the committee, it was held that no point of order could be sustained when the bill came up in Committee of the Whole. (697) 1-52, *Record*, pp. 6168, 6173.

A committee may report a bill to the House with no recommendation for action. (696) 2-55, *H. of R. Report No. 667*.

The House having voted to consider a report, it is too late to question whether or not the report has been made properly. (692) 1-54, *Journal*, p. 595, *Record*, p. 6331.

COMMITTEES—Condition.*Reports of*—Continued.

Four members of a committee composed of nine having been authorized by the committee to submit to the House a report, a question arose as to whether or not the matter submitted by the four was the report of the committee. (691) 2-55, *Record*, pp. 3800, 3804.

A committee having authorized one report, and then, after reconsideration, having authorized another, the House voted to receive the first report. (690) 1-26, *Globe*, pp. 419, 426, 428, 429.

The Speaker being satisfied of the correctness of the authorization of a report, may decide that it shall be received. (688, 689) 1-34, *Journal*, pp. 1433, 1434, *Globe*, p. 2069; 1-34, *Journal*, p. 1144, *Globe*, pp. 1529, 1530.

It is not the invariable practice for all the Members agreeing to a report to sign it. (685, footnote) 2-25, *Globe*, pp. 343, 349.

Objection being made that a report has not been properly authorized by a committee, and there being doubt as to the validity of the authorization, the question as to the reception of the report is submitted to the House. (685-687) 2-27, *Journal*, p. 1410, *Globe*, p. 940; 3-40, *Globe*, p. 1385; 3-53, *Journal*, p. 99.

A bill improperly reported from a committee is not entitled to its place on the Calendar. 3-55, *Record*, pp. 705, 851.

The rule regulating the making of nonprivileged reports from committees. (346) *Rule XIII*, section 2.

The rule establishing the Calendars for the reports of committees. (345) *Rule XIII*, section 1.

The minority of a committee may not make a report, but may file their views, which may be placed on the Calendar under the rule. (707-711) 1-24, *Journal*, p. 561, *Globe*, p. 261; 2-27, *Globe*, p. 248; 1-31, *Globe*, p. 1343; 2-41, *Globe*, p. 954; 1-47, *Journal*, p. 1709, *Record*, pp. 6417-6419.

The question of the sufficiency of a report in writing made by a committee is a matter to be passed upon by the House, but not by the Speaker. (704) 1-48, *Journal*, p. 516.

The report of a committee, having been made to the House, may not be withdrawn except by unanimous consent. (703) 1-49, *Journal*, p. 442.

A bill recommitted with instructions to report forthwith may be reported immediately by the chairman without formal action of the committee. (702) 2-51, *Journal*, pp. 312-321, *Record*, pp. 3505-3508.

On a motion to recommit with instructions it is in order to direct the committee as to when they shall report back the bill. (700, 701) 2-51, *Journal*, pp. 312-321, *Record*, pp. 3505-3508.

Provision as to the printing of preliminary reports for the use of committees. (1750) 28 *Stat. L.*, p. 624.

COMMITTEES—Continued.*Privileged reports.*

The rule establishing certain privileged reports which may be made from certain committees at any time. (398) *Rule XI, section 59.*

The right to report at any time carries with it the right to have the matter reported considered. (399, 400) *1-32, Journal, pp. 195, 1009, Globe, pp. 253, 2065.*

The Committee on Rules has leave to report at any time, and pending consideration of the report one motion to adjourn may be entertained, but thereafter no dilatory motion. (398) *Rule XI, section 59.*

The practice of the Committee on Rules reporting in part at different times was sanctioned by the decision that a committee having leave to report at all times may report in part at different times. (1538) *1-27, Journal, p. 204.*

In exercising the right to report at any time committees may not include matters not specified by the rule as within the privilege. (405-407) *1-54, Record, p. 1294; 1-50, Record, p. 2195; 2-50, Record, pp. 47, 48.*

The right to report at any time a bill raising revenue belongs alone to the Ways and Means Committee. (404) *1-49, Record, pp. 7331, 7332.*

The words "raising revenue" in the rule giving privilege to the Ways and Means Committee is broadly construed to cover bills relating to the revenue. (408) *2-55, Record, p. 4581.*

The report of a special committee appointed "to examine and report" on a certain subject is not privileged for consideration. (424) *1-54, Record, p. 2211.*

Bills from a committee having leave to report at any time must be reported in open House and not by filing them with the clerk. (422) *1-51, Journal, p. 392, Record, p. 2713.*

The privilege of the Committee on Printing is confined to printing for the use of the two Houses, and the presence of matter not privileged destroys the privileged character of the report. (419, 420) *1-52, Journal, p. 292, Record, p. 6166; 1-53, Journal, p. 80.*

The passage of a general bill on a certain subject does not exhaust the privilege of a committee on that subject. (416) *2-51, Journal, p. 255, Record, p. 2799.*

Select, and their reports.

The report being made, a special committee is dissolved, but may be revived by a vote and the same matter recommitted to it. (601) *Jefferson's Manual, Section XXVII, p. 142.*

A select committee that has reported and consequently become dissolved may be revived by a vote referring a matter to it, or by a recommitment; but in case of recommitment with instructions, the committee must in reporting confine themselves to the instructions. (693-695) *2-37, Journal, p. 874, Globe, pp. 2764, 2790.*

COMMITTEES—Continued.*Proceedings by authority of a committee.*

Rules are suspended by a two-thirds vote on the last six days of a session and on the first and third Mondays of each month, individuals having preference on the first Monday and committees on the third. (1556) *Rule XXVIII, section 1.*

After a motion to suspend the rules has been seconded and debate has begun, it is too late to make the point that the motion has not been authorized by a committee. (1600) 2-51, *Record*, p. 489.

A committee may not move to suspend the rules and pass a bill which has not been referred to it. (1597) 1-51, *Record*, p. 8772.

The motion to suspend the rules on a committee suspension day must be formally and specifically authorized by a committee. (1598, 1599) 1-51, *Journal*, p. 242, *Record*, p. 1405.

On committee suspension days the Speaker sometimes calls the committees in regular order for motions to suspend the rules, but this method is not required by the rules. (1562, 1563) 3-46, *Journal*, p. 104, *Record*, pp. 273, 274; 1-51, *Record*, p. 1405.

The rule of the morning hour for the consideration of bills called up by committees. (375) *Rule XXII, section 4.*

Bills considered in the morning hour must be called up by authorization of the committees, but the Speaker can not in case of dispute decide as to the validity of such authorization. (705) 2-49, *Record*, p. 43.

A bill having been brought before the House on motion of a committee and consideration having begun, the validity of the authorization by the committee may not then be questioned. (706) 2-51, *Journal*, p. 55, *Record*, pp. 487, 488.

The Speaker may, upon statements from the chairman and other members of a committee, rule that the calling up of a bill has been authorized by a committee. 3-55, *Journal*, p. 34, *Record*, pp. 221, 222.

A bill presented by a committee under the call of committees may be withdrawn by authority of the committee. (463) 2-54, *Journal*, p. 77, *Record*, pp. 740, 764.

The motion to go into Committee of the Whole House on the state of the Union at the end of the morning hour must be authorized specifically by a committee. (715) 2-51, *Journal*, p. 67, *Record*, p. 647.

When, by authority of a committee, a motion is made to go into Committee of the Whole to consider a particular bill (not a revenue or appropriation bill) an amendment designating another bill may be offered by a member individually. (387) 2-51, *Journal*, p. 103, *Record*, p. 961.

The rule giving revenue and general appropriation bills precedence on the request of the appropriate committees. (389) *Rule XVI, section 9.*

COMMITTEES—Continued.

Proceedings by authority of a committee—Continued.

The authorization of the committee being undoubted, a Senate bill need not necessarily be called from the Speaker's table by one of the committee. (361) 1-51, *Journal*, pp. 849, 850, *Record*, p. 7161.

The Committee for the District of Columbia may not on a District day call up a bill reported from another committee. (1446) 2-54, *Record*, p. 913.

Forms of special orders for giving time to committees. (1313, 1314) 1-54, *Record*, pp. 5381, 5466.

A day being assigned a committee by a special order for the consideration of such business as it may present, it is in order for the committee to indicate any bill it may please, whether from its own bills, from the calendars, or from the Speaker's table. (1268) 1-47, *Journal*, p. 1540, *Record*, p. 5349.

Unfinished business on a day assigned to a committee goes over to the next day had by the committee. (368) 1-44, *Journal*, p. 860, *Record*, p. 2737.

Privileged matters in.

The rule provides that resolutions of inquiry shall be reported back within one week. (425) *Rule XXII, section 5.*

A resolution of inquiry not being reported back within one week, a motion to discharge the committee from the consideration of it presents a question of privilege. (426-430) 1-47, *Journal*, p. 1124, *Record*, p. 3275; 1-49, *Journal*, p. 1420, *Record*, pp. 3929, 3930; 2-51, *Record*, pp. 2456, 2457; 1-52, *Journal*, p. 107, *Record*, p. 2192; 1-52, *Journal*, p. 296, *Record*, p. 6218.

A resolution of inquiry may be reported at any time within a week, and is privileged for consideration when reported. (430) 1-52, *Journal*, p. 296, *Record*, p. 6218.

At the expiration of a week a motion to discharge a committee from the consideration of a resolution of inquiry is privileged, although the resolution may have been delayed in reaching the committee. (431) 1-53, *Journal*, pp. 106, 107.

Resolutions of inquiry addressed to the heads of Executive Departments only are privileged, and then not until reported, or one week from presentation. (432) 2-51, *Journal*, p. 188, *Record*, p. 1874.

A resolution of inquiry loses its privileged character if matter not privileged be contained therein. (433) 2-55, *Record*, pp. 3908, 3909.

Questions of privilege are brought at once to the attention of the House, although it has in a few instances been held that they should go to committees like other business. (93, 110, 112, 115, 116, and 140) *Jefferson's Manual, Section XXXIII*, p. 155; 2-31, *Journal*, p. 119, *Globe*, p. 190; 1-48, *Record*, p. 5299; 1-51, *Journal*, p. 22, *Record*, p. 196; 1-53, *Journal*, p. 159; 2-53, *Journal*, pp. 43, 44, *Record*, pp. 397-400.

COMMITTEES—Continued.*Privileged matters in*—Continued.

The right of a Member to his seat may come up at any time as a question of privilege, even though the subject has been referred to a committee. (112) 1-48, *Record*, p. 5299.

A motion to discharge a committee from the consideration of a contested election case presents a question of the highest privilege. (113) 1-49, *Record*, p. 7403.

A motion to discharge a committee from the consideration of a vetoed bill presents a question of privilege and is in order at any time. (124, 435) 1-49, *Journal* p. 2397, *Record*, p. 7699; 1-49, *Journal*, p. 2397.

The House has decided that a veto message may be referred to a committee, even without the bill. (1478) 2-27, *Journal*, pp. 1253-1257, *Globe*, pp. 873, 875, 905.

While the simple motion to refer a vetoed bill is in order, it is not permissible to move to commit pending the demand for the previous question on the motion to reconsider the bill, or after the previous question is ordered. (1479) 1-47, *Journal*, p. 1792, *Record*, p. 6803.

Investigations by.

Witnesses are summoned in pursuance and by virtue of the authority conferred upon a committee to send for persons and papers. (1778) 1-35, *Journal*, p. 175, *Globe*, p. 304.

Questions of privilege have frequently arisen over the failure or refusal of witnesses to appear before committees of the House or their refusal to testify when they have appeared. (170-175) 2-33, *Journal*, p. 315; 3-34, *Journal*, p. 241, *Globe*, p. 356; 1-35, *Journal*, pp. 258, 371, 750, 821, *Globe*, pp. 684, 715, 1240; 2-35, *Journal*, pp. 411, 430, 451; 3-40, *Journal*, pp. 226, 250, *Globe*, pp. 687, 720.

Question as to proper procedure when the course of an investigation before a committee implicates a Member. (166) *Jefferson's Manual*, Section XVII, p. 132, Section XI, p. 122.

A Member being involved by an inquiry by a committee, the committee must report to the House and get special authority to inquire concerning him. (602) *Jefferson's Manual*, Section XI, p. 122.

The House may authorize a committee to consider in the course of an investigation testimony taken before a committee of a previous Congress. (684) 1-46, *Journal*, pp. 442, 443, *Record*, pp. 1774, 1775.

A resolution to commit which creates a select committee may at the same time, as part of the instructions to the committee, give to it the power to send for persons and papers. (1020) 2-44, *Journal*, p. 297, *Record*, p. 926.

Clerks of.

Clerks of committees are appointed by the chairman, with the approval of the committee, and are paid at the public expense. (717) *Rule X*, section 4.

COMMITTEES—Continued.

Clerks of—Continued.

The committees having permanent or annual clerkships. (718, footnote) *30 Stat. L., pp. 850, 851.*

There is no legal power to fill a vacancy in the clerkship of a committee after one Congress has expired and before the next House has been organized. (723) *Decisions of First Comptroller (Bowler), 1893-94, p. 2.*

The clerk to the Committee on the Post-Office and Post-Roads being appointed a postmaster in one of the States, was decided to be entitled to his salary as clerk until his successor was appointed, although his salary as postmaster had already begun. (722) *Decisions of First Comptroller (Bowler) 1893-94, p. 61.*

A clerk of a committee who ceased to hold office on December 21 was held not to be entitled to the salary for the remainder of the month under the terms of a resolution directing the payment of salaries of employees for that month on the 20th. (721) *Decisions of Comptroller (Bowler), Vol. II, p. 359.*

A session clerk is entitled to compensation only from the date when he entered upon the discharge of his duties with the committee. (720) *Decisions of the Comptroller (Bowler), Vol. II, p. 638.*

The pay of clerks to committees and its computation. (719, footnote) *18 Stat. L., p. 345; 22 Stat. L., p. 378.*

Method of authorizing annual clerks to committees. (718) *1-50, Record, pp. 7884, 7885.*

The Committee on Accounts authorizes and assigns clerks to committees. (1737) *2-55, Record, pp. 264, 265.*

The method of assigning session clerks to committees not having annual clerks. (719) *2-55, Record, p. 79.*

At the time of final adjournment the clerks of committees are required to deliver to the Clerk of the House the papers of the committee. (1751) *Rule XXXVIII, section 1.*

General provisions relating to.

Stationery for committees. (1757, 1758) *28 Stat. L., p. 624.*

The Doorkeeper is charged with the custody of furniture, books, and other public property in the committee and other rooms, and must account to the House and the Committee on Accounts. (1719) *Rule V, section 2.*

Joint committee on waste papers in Executive Departments. (1783) *25 Stat. L., p. 672.*

A bill to create a commission to determine damages done to citizens was held not to provide for the payment or adjudication of a claim against the Government, and hence not to be affected by the prohibition of section 3 of Rule XXI. (682) *2-53, Journal, p. 493, Record, p. 7661.*

COMMITTEE OF THE WHOLE.

Motions to go into.

In forming a Committee of the Whole the Speaker leaves the chair after appointing a chairman, who has power to cause the galleries or lobby to be cleared in case of disorder therein. (724) *Rule XXIII, section 1.*

According to the later practice, a motion to adjourn is not in order after the House has voted to go into Committee of the Whole. (1490, 1491) 1-47, *Journal*, p. 609, *Record*, p. 1252; 2-49, *Journal*, p. 384, *Record*, p. 917.

A motion to reconsider the vote whereby the House resolves itself into Committee of the Whole has been entertained when made before the Speaker had left the chair. (1491) 2-49, *Journal*, p. 384, *Record*, p. 917.

Under direction of a special order the Speaker declares the House resolved into Committee of the Whole. (1281) 2-54, *Record*, p. 934.

A motion to go into Committee of the Whole to consider a bill having been made, it was held that the only way for the House to express its wish as to consideration of the bill was by its vote on the motion to go into Committee of the Whole. (835) 2-53, *Journal*, p. 145, *Record*, p. 2009.

Motions to go into—Privileged.

The motion to go into Committee of the Whole to consider revenue bills and the motion to do the same to consider appropriation bills are of equal privilege. (395) 2-52, *Journal*, p. 108.

The motion to go into Committee of the Whole to consider a general appropriation bill may not be amended by a nonprivileged proposition, and the previous question may not be demanded on it. 3-55, *Record*, pp. 1995, 1996.

The motion to go into Committee of the Whole to consider general appropriation bills is highly privileged and may be made on a "suspension day." (391) 2-51, *Journal*, p. 251.

In making the required motion under section 9 of Rule XVI it is in order to designate the particular appropriation bill to be considered. (390) 1-51, *Record*, p. 3256.

Motions to go into—On Fridays.

A motion to go into Committee of the Whole to consider general appropriation bills is in order Friday as on other days. (392) 1-51, *Journal*, p. 398, *Record*, p. 2747.

The motion to go into Committee of the Whole to consider general appropriation bills has precedence of a motion to go into the Committee of the Whole on Friday to consider the Private Calendar. (393, 394) 2-55, *Record*, p. 1436.

COMMITTEE OF THE WHOLE—Continued.

Motions to go into—On Fridays—Continued.

The unfinished business of a Friday, whether of a day or evening session, is in order before the motion to go into Committee of the Whole House. (388-373) 1-51, *Journal*, p. 344, *Record*, p. 2237; 2-52, *Journal*, p. 33, *Record*, p. 381; 1-54, *Journal*, p. 365, *Record*, p. 3536; 2-55, *Record*, pp. 1982, 2737.

Each Friday, after the unfinished business is disposed of, the motion to go into Committee of the Whole House to consider business on the Private Calendar is in order. (1422) *Rule XXIV*, section 6.

If the House negatives the motion to go into the Committee of the Whole House to consider the Private Calendar on Friday, it is in order to proceed with public business as on other days. (1422) *Rule XXIV*, section 6.

Motions to go into—After morning hour.

The rule for going into Committee of the Whole House on the state of the Union at the expiration of sixty minutes of the morning hour. (388) *Rule XXIV*, section 5.

The amendment authorized by section 5 of Rule XXIV is one substituting another bill on the Union Calendar. (388) 2-55, *Record*, p. 4983.

The motion to go into Committee of the Whole House on the state of the Union at the end of the morning hour must be authorized specifically by a committee. (715) 2-51, *Journal*, p. 67, *Record*, p. 647.

When, by authority of a committee, a motion is made to go into Committee of the Whole to consider a particular bill (not a revenue or appropriation bill), an amendment designating another bill may be offered by a Member individually. (387) 2-51, *Journal*, p. 103, *Record*, p. 961.

Points of order.

Points of order are usually reserved when appropriation bills are referred to Committee of the Whole, otherwise the committee must consider the bill in its entirety and may not eliminate a portion which is in violation of rule. (1644-1649) 1-48, *Record*, p. 5014; 2-48, *Record*, pp. 1677, 1927, 2097; 1-54, *Record*, pp. 581, 1119, 3411; 2-54, *Record*, pp. 311, 312; 2-55, *Record*, p. 6083.

The chairman of the Committee of the Whole having ruled a proposed amendment out of order, the committee rose and reported the point of order to the House; whereupon the Speaker held that the question did not come within his jurisdiction. (1650) 2-25, *Globe*, p. 234 et seq.

The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision. (1651-1654) 2-39, *Globe*, p. 528; 2-49, *Record*, p. 1059; 2-45, *Journal*, p. 81, *Record*, p. 108; 3-53, *Journal*, p. 125.

COMMITTEE OF THE WHOLE—Continued.**Points of order—Continued.**

An appeal being taken from a decision of a chairman of a Committee of the Whole, the committee may rise and report the point of order to the House; but such has not been the general practice of the House. (735) *1-44, Journal, p. 945, Record, p. 3049.*

A public bill having been reported by a committee and referred to the Committee of the Whole for consideration, a point of order may not be raised in Committee of the Whole as to the jurisdiction of the committee making the report. (669) *1-51, Record, pp. 2041, 2046.*

Under the rule relating to the consideration of subjects in Committee of the Whole, a point of order is good at any time before the consideration of the bill has commenced. (764) *Rule XXIII, section 3.*

Parliamentary practice in—Rules, Rising, etc.

The rules of proceeding in the House are observed in Committee of the Whole, so far as they may be applicable. (726) *Rule XXIII, section 8.*

The Chairman of the Committee of the Whole may administer oaths to witnesses in any case under its examination. (724, footnote) *Revised Statutes, section 101.*

It is not necessary that there be a quorum on the vote that the Committee of the Whole rise. (752) *1-35, Journal, pp. 814, 822, Globe, p. 2141.*

Tellers having been ordered and appointed it is not in order to move that the Committee of the Whole rise until the vote has been announced. (757, 1147) *1-51, Record, p. 5315; 2-55, Record, p. 605.*

The Committee of the Whole being in session when the hour arrives for the next regular meeting of the House, it rests with the Committee to determine whether or not it will rise. (1506, 1507) *1-24, Globe, p. 434; 1-26, Globe, p. 285.*

The hour previously fixed for the adjournment of the House arriving while the Committee of the Whole is still in session, the Chairman may direct the Committee to rise and make his report as though the Committee had risen on motion in the regular way. (758) *1-54, Record, p. 3062.*

It is for the House and not for the Chairman of the Committee of the Whole to determine the privileges of a Member under a general leave to print in the Record. *3-55, Record, p. 2316.*

The motion that the Committee of the Whole rise may be withdrawn at any time before the decision thereon is announced. (930) *1-31, Globe, p. 318.*

Parliamentary practice in—Consideration of bills.

When a bill is taken up in Committee of the Whole its reading in full may be demanded, although it has just been read in the House. (468) *2-54, Record, p. 1660.*

COMMITTEE OF THE WHOLE—Continued.

Parliamentary practice in—Consideration of bills—Continued.

Where a bill is being considered by clauses or sections, and the Committee has passed a particular clause or section, it is not in order to recur thereto. (727, 728) 2-32, *Globe*, p. 730; 2-35, *Globe*, p. 1422.

An amendment to insert in a bill a new section having been presented and debated before an opportunity was given to amend the section last read, the Chairman held that it was in order to recur to the latter section. 3-55, *Record*, p. 719.

Before general debate is closed in Committee of the Whole it is not in order to move that the Committee rise and report the bill if any Member demands the right to amend. (729) 3-46, *Record*, pp. 1434, 1435.

Before the reading of a bill for amendments has been concluded in Committee of the Whole it is not in order to move that the Committee rise and report the bill favorably. (730) 2-55, *Record*, p. 2737.

A motion to discharge the Committee of the Whole from the consideration of a measure which has not been concluded in Committee is not in order. (731) 2-45, *Journal*, p. 619.

A bill may not be laid aside with a favorable recommendation in Committee of the Whole until the reading for amendments is completed. 3-55, *Record*, p. 867.

When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered under the five-minute rule, the substitute may be moved to the first paragraph, accompanied by a notice that motions will be made to strike out the other paragraphs as they are reached. (1103) 2-46, *Record*, p. 3093.

During consideration of a bill by paragraphs in Committee of the Whole a substitute was offered before all the paragraphs had been read, and as no further amendments had been or were now proposed to the text of the bill, and as the substitute had been debated, it was held to be in order to vote on the substitute. (1105) 2-49, *Record*, p. 1059.

Parliamentary practice in—Votes and motions.

In the Committee of the Whole, where the quorum is one hundred, twenty may order tellers. (1144) 1-51, *Record*, pp. 4784, 4786.

The yeas and nays may not be taken in Committee of the Whole. (742, 743) 1-26, *Globe*, p. 285; 1-28, *Globe*, p. 618.

The motions to reconsider, for the previous question, and to adjourn are not in order in Committee of the Whole. (744) *Jefferson's Manual*, Sections XII, XXVI, pp. 124, 141.

The Committee of the Whole does not take a recess. (1481, footnote.) It is not in order for the Committee of the Whole to arrange for a yea and nay vote to be taken in the House. (756) 2-51, *Record*, p. 3270.

COMMITTEE OF THE WHOLE—Continued.*Parliamentary practice in—Votes and motions—Continued.*

A bill which has been read in Committee of the Whole and reported favorably therefrom is not read in full again when acted on by the House. 3-55, *Record*, p. 2581.

Authority for a standing committee to amend its report and have a reprint made as amended may not be granted by Committee of the Whole, although such report may be before it for consideration. (736) 2-54, *Record*, p. 576.

A question of privilege has been raised in Committee of the Whole when it related to a matter occurring in Committee of the Whole, but the decisions sustaining such procedure are not uniform. (178-181) 1-51, *Record*, pp. 3826, 4558-4860; 1-52, *Record*, p. 3116; 1-31, *Globe*, p. 1475; 2-55, *Record*, 3233; 3-55 *Record*, p. 1279.

The rule relating to admission to the privileges of the floor applies to the Committee of the Whole and its Chairman as well as to the House and the Speaker. (1744) 2-53, *Journal*, p. 90, *Record*, p. 840.

A special order providing that a bill should be open to amendments in Committee of the Whole was held to prevent a motion to strike out the enacting clause. (1282) 1-55, *Record*, p. 352.

Debate in—General.

The motion to close general debate in Committee of the Whole is made pending the motion that the House resolve itself into committee, and, though not debatable, the previous question is sometimes asked to prevent attempts at amendment of the motion. (915) 2-54, *Record*, p. 2218.

A motion to limit general debate in Committee of the Whole is not in order until such debate has been actually begun. (732, 916, footnote) 1-48, *Journal*, p. 1010.

The rule for closing general debate in Committee of the Whole applies to messages of the President as well as bills, and may be applied to a particular portion of the message. (916) 1-32, *Journal*, pp. 146, 147.

If a general debate is limited in Committee of the Whole it must be limited on the whole and not on a part of the bill under consideration. (734) 1-50, *Journal*, p. 2507, *Record*, p. 7039.

The House having fixed the time when the general debate in Committee of the Whole shall cease, the committee may not extend it, even by unanimous consent. (917, 918) 2-32, *Globe*, pp. 784, 785; 2-55, *Record*, pp. 81, 95.

The time occupied in reading a bill in Committee of the Whole does not come out of the time allowed for general debate. (921) 2-43, *Record*, p. 1699.

Debate on an appeal in Committee of the Whole has been limited by the committee itself on motion put and carried, or by the committee rising to enable the House to limit it. (1673-1675) 1-52, *Record*, p. 4680; 2-55, *Record*, pp. 730, 731; 2-55, *Record*, pp. 3226-3232.

COMMITTEE OF THE WHOLE—Continued.

Debate in—General—Continued.

General debate in Committee of the Whole may not be limited on a series of bills by one motion. 3-55, *Record*, p. 1561, *Journal*, p. 143.

Debate in—Five minute.

After general debate is closed by order of the House in Committee of the Whole, amendments are offered, debated, and amended under the five-minute rule, and an amendment once offered may be withdrawn only by unanimous consent. (913) *Rule XXIII, section 5*.

It has been held in order in the House to close debate on a section of a bill in Committee of the Whole, although only a portion of the section had been read for amendment. (919) 2-48, *Record*, pp. 1604-1612.

The right to limit debate on the pending section of a bill which is being considered in Committee of the Whole under the five-minute rule may be exercised by the House as well as by the Committee of the Whole. (920) 1-53, *Journal*, p. 154.

The Committee of the Whole may, after the five-minute debate has begun, close debate on the section, paragraph, or pending amendments; but this does not preclude further amendment. (914) *Rule XXIII, section 6*.

It is not in order to close debate on a paragraph in Committee of the Whole before debate upon it has begun. (733) 1-49, *Journal*, p. 1736, *Record*, pp. 5004, 5005.

Debate in—Hour rule, Germaneness, etc.

No Member may occupy more than one hour in debate in House or in committee. (838) *Rule XIV, section 2*.

It has generally been held that the Member need not confine himself to the subject during general debate in the Committee of the Whole House on the state of the Union. (883-887) 1-26, *Globe*, pp. 338, 340, 360; 1-27, *Globe*, p. 135; 2-30, *Globe*, pp. 587, 592; 1-31, *Globe*, p. 1475; 1-32, *Globe*, p. 1856.

In general debate in Committee of the Whole House a Member must confine himself to the subject. (888) 2-55, *Record*, pp. 2497-2500.

A Member having the floor in Committee of the Whole may yield to another Member to move that the committee rise without losing his right to occupy the floor at the next sitting. (846, 847) 1-31, *Globe*, pp. 340, 358; 2-31, *Globe*, p. 645.

The right of "the Member reporting the measure under consideration from a committee" to close the debate, and the relations of that right to the limitation of debate in Committee of the Whole. (886-869) 1-31, *Journal*, p. 1056, *Globe*, p. 1308; 2-44, *Journal*, pp. 201, 202, *Record*, pp. 544, 708; 1-48, *Journal*, pp. 338, 339, *Record*, pp. 466, 1167.

In Committee of the Whole as well as in the House a Member may speak but once on an appeal. (1676) 2-55, *Record*, p. 739.

COMMITTEE OF THE WHOLE—Continued.*Order of business in.*

The rule prescribing the order for considering business on the Calendars of the Committees of the Whole. (396) *Rule XXIII, section 4.*

The Committees of the Whole determine the order of taking up business on their Calendars. (397) *1-54, Record, p. 3283.*

It is for the Committee of the Whole and not for the House to determine in what order bills upon the committee's Calendar shall be taken up. (737) *2-54, Record, p. 1079.*

The House having resolved itself into Committee of the Whole for the purpose of considering a particular revenue or general appropriation bill, the Committee of the Whole may not take up another bill. (738) *3-46, Record, p. 1357.*

The unfinished business in a Committee of the Whole is first in order. (739) *1-54, Record, p. 4101.*

In considering bills on the Calendar of the Committee of the Whole House it is in order, upon a motion made and carried, to take up a bill out of its order. (740) *1-54, Record, p. 5589.*

Informal rising of.

A message being announced while the Committee of the Whole is in session, the Speaker takes the chair to receive it. (759, 1449) *Jefferson's Manual, Section XII, p. 123.*

Sometimes on the informal rising of the Committee of the Whole the House by unanimous consent transacts business, such as the presentation of enrolled bills, the swearing in of a Member, or the voting on some proposition involved in a message just received. (760-763) *2-35, Globe, p. 1417; 2-46, Record, p. 3028; 1-54, Record, pp. 5249, 5270, 5532; 1-55, Record, p. 547.*

Disorder in.

The parliamentary law relating to disorder in Committee of the Whole. (1627) *Jefferson's Manual, Section XII, pp. 123, 124.*

Disorderly words spoken in Committee of the Whole are written down, but the committee can only report them to the House. (1627) *Jefferson's Manual, Section XVII, p. 132.*

A Committee of the Whole may not punish a breach of order on the floor or in the gallery, but must rise and report to the House. (1627) *Jefferson's Manual, section XVII, p. 132.*

The Sergeant-at-Arms, under the direction of the Speaker or Chairman, maintains order in the House and Committee of the Whole. (1715) *Rule IV, section 1.*

Disorder arising in Committee of the Whole, the Speaker may take the chair and restore order without formal rising of the committee. (1627) *Jefferson's Manual, Section XII, pp. 123, 124.*

COMMITTEE OF THE WHOLE—Continued.

Disorder—Continued.

In cases of disorder in Committee of the Whole the Speaker has taken the chair without an order to bring the House into order. (1628–1631) 2–25, *Journal*, p. 1013, *Globe*, p. 422; 1–26, *Journal*, p. 814, *Globe*, pp. 343, 394–396, 398; 1–28, *Journal*, p. 846, *Globe*, pp. 552, 577, 578, 604; 3–46, *Journal*, p. 114, *Record*, p. 311.

A Member having defied or disregarded the authority of the Chairman of the Committee of the Whole the committee has risen and reported to the House. (1632, 1633) 1–24, *Journal*, pp. 1209, 1225, *Globe*, p. 484; 1–55, *Journal*, p. 52, *Record*, pp. 433, 434.

The Committee of the Whole having risen and reported disorderly language used by a Member, a resolution of censure was held to be in order without a prior decision by the Speaker that the remarks were in fact against order. (1635) 1–51, *Journal*, pp. 623–625, *Record*, pp. 4861, 4862, 4868, 4876.

Reports from.

The Speaker may not reverse or overrule in any way a report from the Committee of the Whole. (1652) 2–49, *Record*, p. 1059.

An amendment reported from the Committee of the Whole striking out all after the enacting clause of a bill and inserting new matter is, when reported, treated like any other amendment reported from that committee. (442) 2–49, *Record*, p. 1060.

A Committee of the Whole sometimes reports a bill with the recommendation that it be recommitted to a standing committee with certain instructions. (748) 1–51, *Record*, p. 7263.

The Committee of the Whole may not report a recommendation which if carried into effect would change a rule of the House. (749, 750) 1–51, *Journal*, p. 485, *Record*, p. 3504; 1–54, *Record*, p. 1310.

The Committee of the Whole having made a report which was not in order, the matter was decided to stand recommitted to the Committee of the Whole without further action. (749) 1–51, *Journal*, p. 485, *Record*, p. 3504.

It is questionable whether a Committee of the Whole may recommend instructions to conferees. (751) 1–55, *Record*, pp. 833, 840.

The fact that the vote whereby the Committee of the Whole rose did not show a quorum was held not sufficient to prevent the reception of the report of the committee by the House. (752) 1–35, *Journal*, pp. 814, 822, *Globe*, p. 2141.

The Committee of the Whole having risen because a quorum had failed, the bills that had been laid aside to be reported remained in the committee until the next occasion when the committee rose without question as to a quorum. (753) 1–54, *Record*, pp. 4914, 5011.

If a Committee of the Whole amend a paragraph and subsequently strike out the paragraph as amended, the first amendment falls and is not reported to the House or voted on. (754) 2–31, *Journal*, p. 346, *Globe*, p. 679.

COMMITTEE OF THE WHOLE—Continued.**Reports from—Continued.**

There is a question as to whether or not the recommendation of the Committee of the Whole that a bill do lie on the table may be accepted in the House as a motion to lay the bill on the table. (755) 2-54, *Record*, p. 1069.

The hour for taking a vote having arrived, an amendment pending and undisposed of in Committee of the Whole at the time is not acted on in the House. 3-55, *Record*, p. 1332.

A bill which is under consideration in Committee of the Whole may not be laid aside except to be reported to the House; and it may be reported with the recommendation that it be postponed, but the recommendation that it do pass would have precedence. (741) 2-55, *Record*, p. 843.

In Committee of the Whole the motion to report a bill with the recommendation that it be referred takes precedence of the motion to report it with the recommendation that it do pass. (745) 1-54, *Record*, p. 889.

In Committee of the Whole the motion to report with a favorable recommendation has precedence of the motion to report with an unfavorable recommendation; and the negative of the former motion is not equivalent to the affirmative of the latter. (746) 1-54, *Record*, p. 1742.

In Committee of the Whole a motion to report a bill with the recommendation that it lie on the table has precedence of the recommendations that it be postponed to a day certain or be recommitted to a standing committee. (747) 2-55, *Record*, pp. 3923, 3924.

Reports from—Action in the House.

A bill being reported from the Committee of the Whole with an adverse recommendation, and the House having disagreed to the recommendation, the bill stands recommitted. (938) *Rule XXIII*, section 7.

A bill being reported from the Committee of the Whole with an adverse recommendation, it is in order to move to refer to a committee before the question is put on concurrence. (938) *Rule XXIII*, section 7.

A bill being reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out, the question of concurrence is debatable in the House, and the motion to lay on the table is not in order. (939, 940) 1-43, *Journal*, p. 629, *Record*, p. 2342; 2-53, *Journal*, pp. 21, 22, *Record*, pp. 120, 121.

When the House disagrees to the recommendation of the Committee of the Whole that the enacting clause of a bill be stricken out, the bill goes to the first place on the Calendar of the Committee of the Whole. (942) 1-51, *Record*, pp. 2237, 2238.

COMMITTEE OF THE WHOLE—Continued.

Reports from—Action in the House—Continued.

When a bill is reported from the Committee of the Whole with amendments, it is in order to submit additional amendments; but the first question is on the amendments reported. (1108) 1-29, *Journal*, p. 865, *Globe*, p. 876.

Amendments should be voted on in the order in which they are reported from the Committee of the Whole, although they may be inconsistent one with another. (1109) 2-53, *Journal*, p. 129, *Record*, pp 1794, 1795.

A series of bills having been reported from the Committee of the Whole, it was held when they were taken up by the House on a succeeding day that they should be considered in the order in which the *Journal* showed them to have been reported from the Committee of the Whole. 3-55, *Record*, p 1628.

It is a frequent practice for the House to agree at one vote to all the amendments of a bill reported from the Committee of the Whole, but it is the right of any Member to demand a separate vote on any or all of the amendments. (1110) 2-55, *Record*, p. 1363.

An amendment reported from the Committee of the Whole as an entire and distinct proposition may not be divided, but must be voted on as a whole. (1112-1121) 1-28, *Journal*, p. 1061, *Globe*, p. 653; 1-29, *Journal*, pp. 366, 642, *Globe*, pp. 348, 349; 1-29, *Journal*, p. 641, *Globe*, p. 622; 1-30, *Journal*, p. 1059, *Globe*, p. 948; 2-30, *Journal*, p. 574, *Globe*, p. 642; 2-32, *Journal*, p. 401, *Globe*, p. 1149; 2-46, *Journal*, p. 816, *Record*, pp. 1713-1715; 2-51, *Journal*, p. 167; 2-53, *Journal*, p. 445, *Record*, pp. 6736, 6737.

A bill which has been read in full and considered in Committee of the Whole does not require to be read in full again when taken up for action in the House. 3-55, *Record*, pp. 1614, 1634.

Subjects required to be considered in.

All propositions involving a tax or charge on the people, or parting with money or property of the Government, releasing liability to the Government, or referring any claim to the Court of Claims, are considered in Committee of the Whole. (764) *Rule XXIII*, section 3.

Senate amendments to House bills must be considered in Committee of the Whole if they are such as, originating in the House, would be subject to that point. (765) *Rule XX*.

An amendment to a Senate amendment providing an appropriation for another purpose than that of the Senate amendment requires to be considered in Committee of the Whole, and the House may at once go into committee for that purpose. (769) 2-48, *Record*, pp. 2421-2423.

A bill extending the time of a railroad land grant is required under the rule to be considered in Committee of the Whole. (766) 2-44, *Journal*, p. 293, *Record*, p. 924.

COMMITTEE OF THE WHOLE—Continued.*Subjects required to be considered in*—Continued.

A bill creating a new office requires consideration in Committee of the Whole. (767) 2-46, *Journal*, p. 217.

A bill increasing the number of officers in a branch of the Government service should be considered in Committee of the Whole. (770) 1-51, *Journal*, p. 326, *Record*, p. 2093.

A bill increasing the number of cadets in the Military or Naval Academy should be considered in Committee of the Whole. (775) 3-53, *Journal*, p. 66, *Record*, p. 1037.

A provision increasing the number of persons who would be entitled to receive pensions should receive consideration in Committee of the Whole. (768) 1-48, *Journal*, p. 1657.

A resolution providing for the distribution of rations among the sufferers from a flood was decided to be within the rule requiring consideration in Committee of the Whole. (771) 1-51, *Journal*, p. 520, *Record*, p. 3822.

The grant to a railroad of an easement of public lands or streets belonging to the United States requires to be considered in Committee of the Whole. (772-774) 1-51, *Journal*, p. 718, *Record*, p. 5842; 1-52, *Journal*, p. 237; 2-53, *Journal*, p. 15, *Record*, p. 36.

The dedication of public land to be forever used as a public park was held to be such an appropriation of public property as would come within the rule. (776) 2-54, *Record*, pp. 2215, 2216.

A bill reported to the House for printing, and recommitted, is, when reported for consideration, subject to the point of order that it must be considered in Committee of the Whole. (999) 1-51, *Journal*, p. 830, *Record*, pp. 701, 5441.

Subjects not required to be considered in.

A bill must show with certainty on its face that an expenditure of money or property, etc., will be required before it can be held to be within the rule providing for consideration in Committee of the Whole. (786-792) 1-48, *Journal*, pp. 1247, 1248, *Record*, pp. 4248, 4257; 1-49, *Journal*, p. 1373, *Record*, pp. 3808, 3809; 2-54, *Record*, p. 2459; 2-51, *Journal*, pp. 30, 235, 110, *Record*, pp. 180, 1039; 2-54, *Record*, p. 2270.

A bill which possibly might bring a charge upon the Treasury, but need not necessarily do so, was held not to require consideration in Committee of the Whole. (784) 1-52, *Journal*, pp. 311, 312.

Where the expenditure is a mere matter of speculation, the rule requiring consideration in Committee of the Whole does not apply. (779) 2-54, *Record*, pp. 2477, 2579, 2580.

A bill that may incidentally involve expense to the Government, but does not require it, is not subject to the point of order that it must be considered in Committee of the Whole. (778) 1-44, *Journal*, p. 1333.

COMMITTEE OF THE WHOLE—Continued.

Subjects not required to be considered in—Continued.

It being merely a matter of argument as to whether or not an appropriation would be required by proposed legislation, it was held that the subject need not be considered in Committee of the Whole. (801) 1-55, *Record*, p. 1737.

A bill changing the manner of expenditure of money already appropriated does not require consideration in Committee of the Whole. (777) 2-45, *Journal*, p. 782, *Record*, p. 2203.

When a bill in Committee of the Whole is made a special order, the effect of the order is to bring the bill into the House for consideration. (1307) 2-49, *Record*, p. 42.

A bill being made a special order, the requirement that it shall be considered in Committee of the Whole is waived. (782, 1268, 1301-1306) 1-51, *Journal*, pp. 260, 388, *Record*, pp. 1551, 2663, 2664; 1-47, *Journal*, p. 1540, *Record*, p. 5349; 3-45, *Journal*, pp. 241, 242, *Record*, p. 608; 2-47, *Journal*, pp. 162, 163, 181, *Record*, pp. 859, 860, 925, 926; 1-54, *Record*, p. 4530; 2-55, *Record*, p. 3620.

A Senate amendment which is a modification merely of a House proposition, like the increase or decrease of an amount, etc., and does not involve new and distinct expenditure, is not required to be considered in Committee of the Whole. (1324-1326, 1330-1332) 2-54, *Record*, p. 1253; 1-51, *Journal*, pp. 1046, 1087, *Record*, pp. 10111, 10490; 2-51, *Journal*, pp. 234, 333, *Record*, pp. 2506, 3606-3608; 1-54, *Record*, pp. 5564, 5565.

The most recent decisions are that resolutions appropriating from the contingent fund need not be considered in Committee of the Whole, but earlier decisions are the other way. (1728-1733) 2-50, *Record*, pp. 356, 357; 1-52, *Journal*, p. 345, *Record*, p. 6945; 2-52, *Journal*, p. 126, *Record*, p. 2431; 1-51, *Journal*, p. 87, *Record*, p. 376; 2-51, *Journal*, p. 216, *Record*, p. 2199; 2-54, *Record*, p. 271.

A report from the Committee on Printing relating to printing for the use of the two Houses does not require consideration in Committee of the Whole. (1747) 1-47, *Journal*, p. 1728, *Record*, p. 6481.

A bill admitting a class of claims to the Court of Claims for examination and report, but leaving Congress free as to final action in regard to payment, was held not to require consideration in Committee of the Whole. (797) 2-48, *Journal*, p. 260, *Record*, pp. 696, 697.

Legislation providing for the adjustment of liabilities to or by the Government (except reference to the Court of Claims) does not, under the rule, require consideration in Committee of the Whole. (795, 796) 1-51, *Journal*, pp. 972, 1104, *Record*, pp. 8881, 8882, 10690.

The tax upon the circulation of national banks and State taxation of Federal currency have been held not to be a tax upon the people within the meaning of the rule. (793, 794) 1-38, *Journal*, p. 537, *Globe*, p. 1680; 2-53, *Journal*, p. 467, *Record*, p. 7140.

COMMITTEE OF THE WHOLE—Continued.*Subjects not required to be considered in—Continued.*

A resolution to dispose of certain funds in the hands of the receiver of the Mormon Church of Utah was held not to be required to be considered in Committee of the Whole. (785) 1-53, *Journal*, p. 127.

A bill authorizing the issue of ordnance and ordnance stores for the use of an educational institution was held not subject to the point of order that it should be considered in Committee of the Whole. (783) 2-51, *Journal*, p. 107, *Record*, p. 996.

A bill simply granting a right of way through public lands was held not to be subject to the point of order that it must be considered in Committee of the Whole. (781) 1-51, *Journal*, p. 357, *Record*, pp. 2165, 2166.

Lands belonging to the Indians having been sold by the Government for the Indians, a bill extending the time of payment by purchasers, and authorizing them to purchase additional lands of the same kind, was held not to be within the rule requiring consideration in Committee of the Whole. (780) 1-51, *Journal*, p. 948, *Record*, p. 8483.

A bill which has been considered in Committee of the Whole, and then by the House has been recommitted to a standing committee, is not, when again reported to the House, necessarily subject to the point of order that it must be considered in Committee of the Whole. (799, 800) 1-50, *Record*, p. 4793; 1-54, *Record*, p. 3781.

A bill may be recommitted with instructions that it be reported "forthwith," and this report may be made at once by the chairman of the committee, and is not subject to the point that it must be considered in Committee of the Whole if it has previously been considered there. (1022) 2-51, *Journal*, pp. 312-321, *Record*, pp. 3505-3508.

A bill which had been considered in Committee of the Whole, and had been recommitted with instructions to strike out a clause, was held not subject to the point that it should go to the Committee of the Whole when again reported. (996) 1-49, *Journal*, pp. 2168-2170, *Record*, pp. 6757, 6758.

Quorum in.

The quorum of the Committee of the Whole is one hundred Members. (279) *Rule XXIII*, section 2.

When a quorum fails in Committee of the Whole the roll is called and the committee rises and reports. (279) *Rule XXIII*, section 2.

Upon the failure of a quorum in Committee of the Whole the roll is called but once. (282) 2-53, *Journal*, p. 237, *Record*, p. 2798.

The ascertainment of a quorum by the call of the roll and rising of the Committee of the Whole does not obviate the necessity of taking again the vote on the question on which the quorum failed. (286) 1-54, *Record*, p. 1195.

The Committee of the Whole having voted to rise after the point of no quorum had been made, the bills which the committee had acted upon were reported to the House. (286) 1-54, *Record*, p. 1195.

COMMITTEE OF THE WHOLE—Continued.

Quorum in—Continued.

A quorum is not necessary on a motion that the Committee of the Whole rise. (284, 285) 3-46, *Record*, p. 1628; 1-51, *Record*, p. 8249.

When a Committee of the Whole rises and reports the lack of a quorum and immediately upon a vote of the House a quorum appears, the sitting of the committee must be resumed at once. (281) 2-27, *Journal*, p. 589, *Globe*, p. 350.

The Committee of the Whole having risen for want of a quorum and the roll call having shown a quorum, a motion to adjourn was entertained and negatived, and although on that motion a quorum did not vote, the Speaker *pro tempore* ruled that the committee should resume its session under the rule. (283) 3-46, *Record*, pp. 1628, 1629.

General provisions.

If a Senate bill be such as to require consideration in Committee of the Whole it may not be taken from the Speaker's table for consideration. (362-365) 1-51, *Journal*, p. 726, *Record*, p. 5907; 1-51, *Journal*, p. 951, *Record*, p. 8527; 2-51, *Journal*, p. 241, *Record*, p. 2623; 2-52, *Journal*, p. 52, *Record*, p. 717.

The fact that an amendment has been offered and rejected in the Committee of the Whole does not prevent the same amendment from being offered again when the bill comes up in the House. (1111) 1-54, *Record*, p. 2710.

A bill which may be reported at any time has the same privilege in regard to consideration in Committee of the Whole. (402) 2-53, *Journal*, p. 145.

It is not in order to move in the House to postpone the consideration of a bill which is still in Committee of the Whole. (441) 1-52, *Journal*, p. 318, *Record*, pp. 6591, 6592.

Under former rule 104 it was decided that a motion to discharge the Committee of the Whole from the consideration of a measure which had been partly considered in that committee was not a privileged motion. (440) 2-45, *Journal*, p. 619, *Record*, p. 1601.

A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (1410, 1411) 2-27, *Journal*, p. 1248, *Globe*, p. 868; 1-49, *Journal*, p. 2515, *Record*, p. 7932.

The fact that one of several Senate amendments must be considered in Committee of the Whole does not prevent the House from proceeding with the disposition of those not subject to the point of order. (1333) 1-48, *Record*, pp. 5981, 5985.

House as in Committee of the Whole.

Sometimes, by unanimous consent, the House considers business as in Committee of the Whole. (802) *Jefferson's Manual*, Section XXX, p. 145.

COMMITTEE OF THE WHOLE—Continued.*House as in Committee of the Whole*—Continued.

During consideration of a bill in the House as in Committee of the Whole an amendment may be withdrawn at any time before action has been had on it. (809) *2-55, Record, p. 2440.*

A bill being under consideration in the House as in Committee of the Whole, an amendment in the nature of a substitute is in order only after the consideration of the bill by sections has been completed. (807, 808) *2-53, Journal, pp. 350, 351, Record, p. 4002.*

A bill being under consideration in the House as in Committee of the Whole, a motion to recommit was decided to be in order, although the reading by sections had not been entered upon. (806) *1-52, Journal, pp. 31, 32, Record, pp. 303, 432.*

While the House is acting as in Committee of the Whole the previous question, the yeas and nays, and the motion to adjourn are admissible, and messages are received. (802) *Jefferson's Manual, Section XXX, p. 145.*

While the House is proceeding as in Committee of the Whole the previous question may not be moved on a single section of a bill; but it has been decided that it may be moved on a motion to close debate on such section. (805) *2-48, Journal, p. 127, Record, pp. 333-344.*

During the consideration of a bill in the House as in Committee of the Whole the previous question may be demanded while members yet desire to offer amendments. (803, 804) *2-44, Record, p. 1321; 1-49, Journal, p. 1412, Record, p. 3893.*

COMPENSATION.

Provisions of Constitution relating to compensation of Members. (7) *Constitution, Article I, section 6, p. 5.*

Of Speaker and Members. (11) *Revised Statutes, sections 33, 46; 14 Stat. L., p. 323; 18 Stat. L., p. 4; 18 Stat. L., p. 389; 19 Stat. L., p. 145; 26 Stat. L., p. 645.*

Clerks of committees are appointed by the chairman, with the approval of the committees, and are paid at the public expense. (717) *Rule X, section 4.*

Less than a quorum may not direct the enforcement of section 40, Revised Statutes, in order to secure the attendance of absent Members. (301 and footnote) *1-51, Journal, p. 1025, Record, p. 9922.*

COMPTROLLER.

The Comptroller of the Treasury has no jurisdiction over accounts approved by the Temporary Committee on Accounts. (1735) *Decisions of Comptroller (Bowler), Vol. II, p. 24.*

CONCUR, MOTION TO.

Before the stage of disagreement has been reached the motion to refer Senate amendments has precedence of the motion to concur. (1343-1345) *1-48, Record, p. 3942; 2-52, Journal, p. 101, Record, p. 1964; 2-54, Record, p. 372.*

CONCUR, MOTION TO—CONFEREES. 357

CONCUR, MOTION TO—Continued.

The stage of disagreement not having been reached, the motion to concur with an amendment has precedence of the simple motion to concur. (1346) 2-55, *Record*, pp. 839, 840.

The stage of disagreement having been reached, the motion to recede and concur takes precedence of the motion to recede and concur with an amendment. (1349-1353) 2-53, *Journal* p. 557, *Record*, p. 8389; 3-53, *Journal*, p. 185, *Record*, p. 3178; 1-54, *Record*, pp. 2661, 6068; 2-55, *Record*, p. 6781.

A motion to recede and concur in a Senate amendment with an amendment takes precedence of a motion to further insist on the House's disagreement to the Senate amendment. (1348) 1-55, *Record*, pp. 2641, 2642.

A motion to recede and concur is in order even after the previous question has been demanded on a motion to insist. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062-4064.

A motion being made to concur with an amendment, it is in order to propose to that amendment an amendment and a substitute. (1347) 1-55, *Record*, pp. 810-812.

The question on the adoption of a conference report has precedence of a motion to recede and concur in amendments of the other House. 3-55, *Record*, p. 2927.

CONCURRENT RESOLUTIONS.

The use of joint and concurrent resolutions and the question of their approval by the President. (453) 2-54, *Senate Report No. 1335*.

CONFEREES.

Appointment of.

Select and conference committees are appointed by the Speaker under the rule. (605) *Rule X*, section 2.

A conference committee is practically two distinct committees, each of which acts by a majority. (1401) 1-29, *Globe*, p. 1179.

In a case of prolonged disagreement new conferees were formerly appointed at each conference. (1365) 1-34, *Journal*, pp. 1427, 1484, 1516, 1518, 1600, 1602, *Globe*, p. 2037. But such is not the present practice. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062-4064.

Principles governing the selection of conference committees on the part of the House. (1383.)

Conferees are sometimes appointed during an informal rising of the Committee of the Whole. (760, footnote) 2-35, *Globe*, p. 1417; 1-51, *Record*, pp. 7774, 10350; 1-55, *Record*, p. 507.

Conferees having been appointed, it is too late to reconsider the vote whereby the House has disagreed to a Senate amendment. (1205) 1-54, *Record*, p. 6360.

It is in order to instruct conferees, and the resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed. (1376-1379) 1-49, *Record*, pp. 7404, 7405, 7598; 2-54, *Record*, pp. 1321, 1322, 1334, 1940, 1945.

CONFEREES—Continued.*Appointment of*—Continued.

It is not the practice of the House to instruct conferees in the first instance. (1380) 2-51, *Journal*, p. 333, *Record*, pp. 3610, 3611.

The House having asked for a free conference, it is not in order to instruct the conferees. (1381) 2-51, *Journal*, p. 358, *Record*, pp. 3747, 3768, 3771.

It is not in order to give such instructions to conferees as would require changes in the text to which both Houses have agreed. (1380) 2-51, *Journal*, p. 333, *Record*, pp. 3610, 3611.

The motion to instruct conferees is amendable. (1390) 1-51, *Journal*, p. 735, *Record*, p. 5981.

A conference report may be received although it may be in violation of instructions given to the conferees. (1382) 1-49, *Journal*, p. 2459, *Record*, p. 7826.

It is questionable whether a Committee of the Whole may recommend instructions to conferees. (751) 1-55, *Record*, pp. 833, 840.

General provisions relating to.

Where a conference committee is unable to agree, or where a report is disagreed to, another conference is usually asked for and agreed to. (1384-1388) 1-34, *Journal*, pp. 919, 943; 3-34, *Journal*, pp. 653, 655, 663; 1-35, *Journal*, pp. 1105, 1106, 1118, 1136, *Globe*, pp. 3026, 3030, 3045.

When conferees report that they have been unable to agree the report is not acted on by the House. 3-55, *Record*, p. 2144.

A conference committee may report agreement as to some of the matters of difference, but inability to agree as to others. (1392) 1-29, *Journal*, p. 1302, *Globe*, p. 1222.

While a conference asked by the House was in progress on the House's disagreement to Senate amendment, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (1373) 2-53, *Journal*, pp. 563, 564, *Record*, pp. 8469, 8470.

Conferees may not include in their report matter not committed to them by either House. (1414-1417) 1-12, *Journal*, p. 383; 1-42, *Journal*, pp. 190, 191, *Globe*, p. 796; 2-52, *Journal*, pp. 137-139, *Record*, pp. 2573-2578; 2-55 *Record*, p. 4514.

CONFERENCE.*General provisions relating to.*

The parliamentary law relating to conferences. (1366) *Jefferson's Manual*, Section XLVI, p. 176.

An illustration of amendments between the House, disagreement, and final settlement by conference. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062-4064.

Anything in a bill agreed to by both Houses may not be stricken out at a conference. (1321) *Jefferson's Manual*, Section XLV, p. 175.

CONFERENCE—Continued.

General provisions relating to—Continued.

The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. (1390) 1-51, *Journal*, p. 735, *Record*, p. 5981.

A bill and amendments having once been sent to conference do not, upon the rejection of the conference report, return to their former state, so that the amendments may be sent to the Committee of the Whole. (1389) 1-54, *Record*, pp. 5532, 5533.

The motion to insist and ask a conference has precedence of the motion to instruct conferees. (1376-1379) 1-49, *Record*, pp. 7404, 7405, 7598; 2-54, *Record*, pp. 1321, 1322, 1334, 1940, 1945.

While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (1373) 2-53, *Journal*, pp. 563, 564, *Record*, pp. 8469, 8470.

The conference on a disagreement as to Senate amendments to a House bill having failed, the Senate reconsidered its action in amending and passing the bill, passed it with a new amendment and asked a new conference. 3-55, *Record*, pp. 317, 439, 628, 631, 2303, 2360, 2362, 2770, *Journal of House*, pp. 42, 72, 200, 205, 251.

Papers in.

In all cases of conference after a disagreement the papers are to be left by the House asking the conference with the House agreeing to it. (1366) *Jefferson's Manual*, Section XLVI, p. 177.

Request for.

The request for a conference must always be made by the House in possession of the papers. (1366) *Jefferson's Manual*, Section XLVI, p. 176.

A committee of conference having disagreed, a motion for a new conference is privileged, but steps may not be taken in this direction until the House is in possession of the papers. (1372) 1-52, *Journal*, p. 229, *Record*, p. 5369.

One House may disagree to the amendments of the other, leaving it for the latter House to ask for the conference; or may ask the conference as soon as the vote of disagreement is passed. (1368, 1369) 1-35, *Journal*, p. 711; 2-35, *Journal*, p. 564.

The motion to ask for a conference comes properly after the motion to disagree and insist. (1367) 1-29, *Journal*, pp. 695, 697, *Globe*, p. 701.

A conference may be asked before there has been a disagreement. (1366) *Jefferson's Manual*, Section XLVI, p. 176.

The amending House may insist at once upon its amendment and ask for a conference. (1370) 2-42, *Journal*, pp. 1077, 1100, 1103, *Globe*, p. 4428.

CONFERENCE—Continued.**Request for**—Continued.

It is a practice quite common for one House to pass a bill of the other with amendments and ask a conference at once without waiting for disagreement. (1371) *2-51, Journal, p. 321, Record, p. 3512.*

Before the stage of disagreement has been reached the request of the other House for a conference gives the bill no privilege over other business of the House. (351, 1374, 1375) *2-50, Journal, p. 348, Record, pp. 1216-1220; 1-49, Record, pp. 7331, 7332; 2-54, Record, pp. 833, 834.*

Where a conference committee is unable to agree, or where a report is disagreed to, another conference is usually asked for and agreed to. (1384-1388) *1-34, Journal, pp. 919, 943; 1-35, Journal, pp. 1105, 1106, 1118, 1136, Globe, pp. 3026, 3030, 3045; 3-34, Journal, pp. 653, 655, 663.*

Conferees having reported their inability to agree, a resolution insisting on the House's disagreement to the Senate amendments and asking a further conference was held to be privileged. (1356) *1-52, Journal, p. 230, Record, p. 5371.*

Committees of.

See "Conferees."

Report of committee.

See also "Conference reports."

It has been held that conferees may include in their report matters which are germane modifications of subjects in disagreement between the Houses and committed to the conference. (1418, 1419) *3-41, Globe, p. 1916; 1-49, Journal, p. 2515, Record, p. 7932.*

A disagreement to an amendment in the nature of a substitute having been referred to conferees, it was held to be in order for them to report a new bill on the same subject. (1420) *2-38, Journal, p. 414, Globe, p. 1402.*

The report is made first in the House agreeing to the conference. (1366) *Jefferson's Manual, Section XLVI, p. 177.*

Adherence, relations to—

Where one House has voted at once to adhere the other may insist and ask a conference; but the motion to recede has precedence. (1364) *1-23, Journal, p. 229, Debates, pp. 2493, 2494, 2498.*

Instances have occurred where one House has adhered at once and then has even refused a conference. (1363) *1-19, Journal, pp. 485, 510, 513, 517, 541, 545, 550, 568, 576, 590, Debates, pp. 2601, 2603.*

The House may agree to a conference without reconsidering its vote to adhere. (1362) *1-35, Journal, pp. 604, 615, 620, Globe, pp. 1544, 1589, 1590.*

After one House has adhered the other may recede or ask a conference, which may be agreed to by the adhering House. (1358-1362) *1-1, Journal, pp. 104, 105, 113, 114, 116, 124, 125 (Gales & Seaton ed.); 1-2, Journal, p. 551; 1-3, Journal, p. 133.*

CONFERENCE COMMITTEES.

See "Conferees."

CONFERENCE REPORTS.

High privilege of—

A conference report is always in order, except when the Journal is being read, when the roll is being called, or when the House is dividing; and a statement must accompany each report. (1391) *Rule XXIX.*

A conference report may be presented after a motion to adjourn has been made or when a Member is occupying the floor for debate; but the report need not be disposed of before the motion to adjourn is put. (1393-1395) *2-50, Record, pp. 678, 683; 1-51, Journal, pp. 822, 904, Record, pp. 6941, 6942, 7880.*

A conference report is in order pending a demand for the previous question. *3-55, Record, p. 867.*

A conference report has been given precedence over a question of privilege. (1397) *1-51, Journal, p. 1082, Record, pp. 10444, 10445.*

Any member of the majority may make the motion to reconsider, which takes precedence of all questions except conference reports and motions to adjourn. (1190) *Rule XVIII, section 1.*

A conference report has been held in order even pending a motion for a call of the House, but it was not a case where the absence of a quorum had been ascertained. (1391, footnote.) *Rule XXIX; 1-31, Journal, p. 1590.*

A conference report may be presented during the time set apart by a special order for the consideration of another measure. (1400) *1-55, Record, pp. 1396, 1397; 3-55, Record, p. 2589.*

A conference report may be presented after the vote by tellers and pending the question on ordering the yeas and nays. (1399) *1-54, Record, p. 5916.*

A conference report has precedence of the question on the reference of a bill, even though the yeas and nays had been ordered. (1398) *1-52, Journal, p. 263, Record, pp. 5774, 5802.*

The question on the adoption of a final conference report has precedence of a motion to recede and concur in amendments of the other House. *3-55, Record, p. 2927.*

May not be amended, referred, or laid on the table.

A conference report may not be amended or altered. (1366) *Jefferson's Manual, Section XLVI, p. 176.*

It is not in order to recommit a conference report to the Committee of Conference. (1412) *2-49, Record, p. 880.*

A conference report, made first in the Senate and there recommitted and again reported, was acted on by the House after the Senate had agreed to it. *3-55, Record, pp. 2823, 2842, 2843, 2923-2925.*

CONFERENCE REPORTS—Continued.

May not be amended, referred, or laid on the table—Continued.

The House has formally discarded the old practice of allowing conference reports to be laid on the table. (1407-1409) *1-30, Journal, p. 1283, Globe, p. 1080*; *2-42, Journal, p. 1129, Globe, p. 4460*; *1-44, Journal, p. 1423*.

A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (1410, 1411) *2-27, Journal, p. 1248, Globe, p. 868*; *1-49, Journal, p. 2515, Record, p. 7932*.

A conference report may not be referred to a standing committee. (1413) *2-55, Record, p. 4636*.

Must relate solely to matters committed to conferees.

Conferees may not include in their report matters not committed to them by either House. (1414-1417) *1-12, Journal, p. 383*; *1-42, Journal, pp. 190, 191, Globe, p. 796*; *2-52, Journal, pp. 137-139, Record, pp. 2573-2578*; *2-55, Record, 4514*.

When a conference report is ruled out on a point of order it is equivalent to a negative vote on the report, and the Senate is informed by message that the House has "disagreed" to the report. (1417) *2-55, Record, p. 4514*.

Accompanying statement.

A conference report may not be received if no statement accompanies it. (1391, 1404-1406) *Rule XXIX*; *2-51, Journal, p. 75*; *1-54, Record, p. 5865*; *2-54, Record, p. 1412*.

Whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule is a question for the House and not the Speaker to determine. (1402, 1403) *2-49, Record, p. 2437*; *3-53, Journal, pp. 15, 16*.

General provisions.

It is not in order to demand the reading of the engrossed copy of a bill which is presented as the subject of a conference report. (472, footnote) *1-44, Journal, p. 1423*; *1-52, Record, p. 4586*; *1-54, Record, p. 3540*.

The previous question may not be applied both to the question of agreeing to a conference report and to the question of asking a further conference on amendments yet in disagreement. (963) *2-51, Journal, p. 346, Record, p. 3711*.

The consideration of a conference report may be interrupted by the arrival of the hour previously fixed for a recess. (1396) *1-51, Journal, p. 720, Record, p. 5861*.

A conference report may be received although it may be in violation of instructions given to the conferees. (1382) *1-49, Journal, p. 2459, Record, p. 7826*.

The report is made first in the House agreeing to the conference. (1366) *Jefferson's Manual, Section XLVI, p. 177*.

CONFERENCE REPORTS—Continued.*General provisions*—Continued.

A conference committee may report agreement as to some of the matters of difference but inability to agree as to others. (1392) 1-29, *Journal*, p. 1302, *Globe*, p. 1222.

When conferees report that they have been unable to agree the report is not acted on by the House. 3-55, *Record*, p. 2144.

The previous question having been ordered on a conference report, it was held that the proposition was not such as was contemplated by the rule allowing forty minutes for debate. 3-55, *Record*, p. 2188.

CONGRESS.

The Constitution provides that Congress shall meet on the first Monday in December of every year, and that the President may on extraordinary occasions convene both or either of the Houses. (1) *Constitution*, Article I, section 4, pp. 4, 5; Article II, section 3, p. 17.

Laws relating to the Library of Congress. (1762) *Revised Statutes*, sections 80, 81, 82, 85, 86, 87, 88, 93, 94; 25 Stat. L., p. 262; 26 Stat. L., p. 678; 28 Stat. L., p. 577; 22 Stat. L., p. 592; 18 Stat. L., p. 512; 29 Stat. L. pp. 544-546.

CONGRESSIONAL CEMETERY.

Monuments to deceased Members in the Congressional Cemetery. (1759) 19 Stat. L., p. 54.

CONGRESSIONAL DIRECTORY.

An error in the Congressional Directory does not present a question of privilege. (199) 2-52, *Journal*, p. 101, *Record*, p. 1940.

General provision relating to. (1760) *Revised Statutes*, sections 77, 3801; 22 Stat. L., p. 642.

CONGRESSIONAL RECORD.*Relations of Members thereto.*

The House and not the Speaker decides whether or not a Member has violated leave given him to print remarks in the Record. (1691-1694) 1-52, *Journal*, p. 144, *Record*, pp. 3299-3306; 1-54, *Record*, pp. 1531, 1532; 5123-5125; 2-55, *Record*, p. 6799; 3-55, *Record*, p. 2472.

Words spoken by a Member after he has been called to order may be excluded from the Record by direction of the Speaker. (1680, 1681, 1682) 1-38, *Globe*, p. 3390; 1-44, *Record*, p. 5697; 1-54, *Record*, p. 5802.

A Member may not, as a matter of right, demand the reading of the reporters' notes. (1683) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025.

A Member is not entitled to inspect the reporters' notes of remarks delivered by another Member and which have been withheld for revision. (1688) 2-53, *Journal*, p. 435, *Record*, p. 6418.

A Member should not correct the notes of his own speech in such a way as to affect the remarks of an opponent in controversy without bringing the correction to the attention of that Member. (1689) 2-55, *Record*, pp. 120, 129.

CONGRESSIONAL RECORD—Continued.*Relations of Members thereto—Continued.*

A Member having obtained unanimous consent to insert certain matter in the Record, and having inserted other matter not specified in the request, the House directed the unsanctioned matter to be stricken out. (1690) 2-55, *Record*, pp. 3245-3248.

It is for the House and not for the chairman of the Committee of the Whole to determine the privileges of a Member under a general leave to print in the Record. 3-55, *Record*, p. 2316.

A Member having announced his intention to publish in the Record certain extracts, but not having obtained leave of the House, the refusal of the proposed insertion violates no privilege. (186) 1-53, *Journal*, p. 114.

Questions of privilege concerning.

A question as to the accuracy or propriety of anything contained in the official records of debates may be submitted to the House as a matter of privilege. (117, 119) 2-48, *Journal*, pp. 73, 74, *Record*, p. 205; 2-48, *Journal*, p. 356, *Record*, p. 1024; 1-49, *Journal*, p. 1835, *Record*, pp. 5416, 5420.

A resolution to expunge a speech from the Record must be entertained as a matter of privilege, but this does not necessarily entitle the Member implicated to the floor on a question of personal privilege. (119) 1-49, *Journal*, p. 1835, *Record*, pp. 5416, 5420.

A resolution to omit from the Congressional Record certain remarks declared out of order does not present a question of privilege. (118) 2-48, *Journal*, p. 356, *Record*, p. 1024.

An error in the Congressional Record having been corrected, a question of privilege may not arise therefrom. (198) 1-52, *Journal*, p. 340, *Record*, p. 6896.

A resolution relating to the distribution of the Congressional Record does not present a question of privilege. (213) 2-54, *Record*, p. 1632.

A Member who proposes to read as part of a personal explanation matter which the House had refused to allow to go into the Congressional Record was permitted to do so, subject to a point of order if there should be anything in violation of the rules governing debate. (1242) 1-49, *Journal*, pp. 2547, 2548, *Record*, pp. 8031, 8032.

General provisions.

The Record is for the proceedings of the House only, and matters not connected therewith are rigidly excluded. (1686) 2-54, *Record*, p. 2258.

No rule requires the official reporters to insert in the Record everything that may be read in the House. (1683, 1684) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025; 1-53, *Journal*, p. 125.

There is no rule requiring that the text of a bill which has been read in the House shall be printed in either the Journal or the Record. (1683-1685) 2-48, *Journal*, pp. 354 356, *Record*, pp. 1020, 1021, 1025; 1-53, *Journal* p. 125; 1-54, *Record*, p. 47.

CONGRESSIONAL RECORD—Continued.*General provisions*—Continued.

Messages from the Senate and President giving notice of bills passed or approved are entered in the Journal and published in the Record. (1448) *Rule XLI*.

The documents accompanying a message of the President are not printed in the Record. (1687) *1-54, Record, p. 834*.

When a bill, resolution, or memorial is introduced "by request" the words are entered on the Journal and Record. (451) *Rule XXII, section 4*.

The reference of public bills, memorials, and resolutions is entered on the Journal and Record, and correction of reference is made on motion of the committees concerned. (450) *Rule XXII, section 3*.

Petitions, memorials, and private bills are referred by Members and delivered to the Clerk, who enters them on the Journal and furnishes a transcript for the Record. (448) *Rule XXII, section 1*.

Of the Congressional Record each Member and Delegate has thirty copies. *29 Stat. L., p. 454; 28 Stat. L., pp. 617, 618*.

General law governing the distribution of the Congressional Record. *28 Stat. L., pp. 617, 618*.

Extracts from Congressional Record may be printed for Members at cost. (1679) *18 Stat. L., p. 347*.

CONSIDERATION, QUESTION OF.*General provisions.*

The question of consideration shall not be put unless demanded by a Member. (810) *Rule XVI, section 3*.

The House having voted to consider a matter, a point of order against it comes too late. (1666-1667) *1-51, Journal, p. 233, Record, p. 1353; 2-51, Journal, p. 346, Record, p. 3711*.

A matter of privilege may be called up again and again subjected to the question of consideration, although previously on the same day this question may have been decided against it. (818) *1-54, Record, pp. 6283, 6299*.

The refusal of the House to consider a bill does not amount to its rejection and does not prevent its being brought before the House again. (819) *2-48, Journal, p. 491, Record, p. 1388*.

It has been held that when the question of consideration is undisposed of at an adjournment it does not recur as unfinished business on the succeeding day. (820, 821) *2-53, Journal, pp. 66, 67, Record, pp. 508, 509*.

It is not in order to reconsider the vote whereby the House refuses to consider a bill. *3-55, Record, p. 197*.

The House having voted to consider a report it is too late to question whether or not the report has been made properly. (692) *1-54, Journal, p. 595, Record, p. 6331*.

CONSIDERATION, QUESTION OF—Continued.*General provisions—Continued.*

A point of order which, if sustained, might prevent the consideration of a bill, should be made and decided before the question of consideration is put, but it is otherwise when the point of order merely relates to the method of consideration. (813) 2-55, *Record*, p. 6553.

When it may be demanded.

The question of consideration may be raised against a matter of privilege. (112) 1-48, *Record*, p. 5299.

The question of consideration may not be demanded against a class of business in order under a special order or a rule, but may be demanded against each bill individually as it is brought up. (822, 823) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal*, p. 239, *Record*, p. 762.

The question of consideration may not be raised against District of Columbia business as a class, but may be raised against the bills individually. (822, 823, 1444, 1445) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal*, p. 239, *Record*, p. 762; 2-53, *Journal*, pp. 350, 351, 425, *Record*, pp. 3997, 6121.

The question of consideration may be raised against a special order. (1264) 1-49, *Record*, p. 7276.

Though a bill may come up for consideration under the terms of a special order specifying the bill individually, yet the question of consideration may be raised. (824-827) 1-49, *Journal*, p. 2297, *Record*, p. 7335; 2-49, *Journal*, p. 581, *Record*, p. 1684; 1-55, *Record*, p. 2514; 2-50, *Record*, pp. 1062, 1400.

It has been held that the question of consideration may not be demanded against a bill which comes up under a special order providing for its immediate consideration. (828) 2-53, *Journal*, pp. 484, 485, *Record*, p. 7548.

When two special orders are made for the same time the one first made has priority over the other; but the question of consideration can be raised against either of them. (1260, 1261) 1-26, *Globe*, p. 325; 1-49, *Record*, p. 4543.

The question of consideration may be demanded against a question of the highest privilege, such as the right of a Member to his seat. (817, 818) 1-35, *Journal*, pp. 1083, 1085; 1-54, *Record*, pp. 6283, 6299.

A Member may demand the question of consideration, although the Member in charge of the bill claims the floor for debate. (79) 2-55, *Record*, p. 5763.

A Member whose intention to raise the question of consideration had been frustrated by an affirmative vote on a motion to adjourn, was allowed to raise the question on the succeeding day. (812) 2-44, *Journal*, p. 252, *Record*, p. 725.

CONSIDERATION, QUESTION OF—Continued.**When it may not be raised.**

The question of consideration may not be raised after the question has been stated and discussion has begun. (811) 1-17, *Journal*, pp. 296, 297.

It has generally, although not always, been held that the question of consideration may not be raised after the previous question has been ordered. (815, 816, 827) 1-48, *Record*, p. 5543; 2-52, *Journal*, p. 33, *Record*, p. 381; 2-50, *Record*, pp. 1062, 1400.

The question of consideration may not be demanded against a bill returned with the objections of the President. (836, 837) 2-53, *Journal*, p. 312, *Record*, pp. 3458, 3459.

The question of consideration may not be raised on a motion relating to the order of business. (832-835) 1-51, *Journal*, pp. 103, 968, *Record*, pp. 433, 8814; 2-52, *Journal*, p. 56, *Record*, p. 822; 2-53, *Journal*, p. 145, *Record*, p. 2009.

A motion to go into Committee of the Whole to consider a bill having been made, it was held that the only way for the House to express its wish as to consideration of the bill was by its vote on the motion to go into Committee of the Whole. (835) 2-53, *Journal*, p. 145, *Record*, p. 2009.

In the Fifty-second and Fifty-third Congresses the former practice of entertaining the question of consideration against a report of the Committee on Rules was reversed. (829-831) 2-51, *Journal*, p. 273; 1-52, *Journal*, p. 91; 2-53, *Journal*, pp. 71, 72, *Record*, p. 528.

Pending consideration of a report from the Committee on Rules the question of consideration and appeals have been ruled out of order as dilatory. (1547) 1-53, *Journal*, pp. 96, 97, 98.

A vote by yeas and nays having been without result, because of the failure of a quorum, it was held that the question of consideration might not intervene on a succeeding day before the second call of the yeas and nays. (814) 1-51, *Journal*, p. 941, *Record*, p. 8432.

CONSTITUTION OF THE UNITED STATES.

Method of proposing amendments to the Constitution. (1782) *Constitution*, Article V, p. 22.

It is not the duty of the Speaker to construe the Constitution as affecting proposed legislation. (89) 2-45, *Journal*, p. 921, *Record*, p. 2713.

The vote required on a resolution proposing an amendment to the Constitution is two-thirds of a quorum, not two-thirds of the entire membership. (1128) 2-55, *Record*, p. 4826.

CONSTITUTIONAL RIGHTS OF THE HOUSE.

A resolution that the rights and dignity of the House have been invaded by the Executive presents a question of privilege. (140) 2-53, *Journal*, pp. 43, 44, *Record*, pp. 397-400.

CONSTITUTIONAL RIGHTS OF THE HOUSE—Continued.

Questions as to its invasion by origination of revenue bills in the Senate. (133-135) 2-27 *Journal*, p. 287, *Globe*, pp. 195, 196; 2-45, *Journal*, p. 1303, *Record*, pp. 4605-4614; 2-48, *Journal*, pp. 316, 317, 332, 333, *Record*, pp. 948, 962.

Alleged infringement by the treaty-making power on the constitutional right of the House to originate revenue measures presents a question of privilege. (139) 2-49, *Journal*, pp. 349, 350, *Record*, p. 917.

CONTEMPTS.

See "Privilege."

The case of Wolcott, a contumacious witness, was certified to the district attorney. (172) 1-35, *Journal*, p. 821, *Globe*, pp. 684, 715, 1240.

In the case of *Anderson v. Dunn* the Supreme Court affirmed the right of the House to punish for contempts. (160) 6 *Wheaton*, 204.

It was decided in the case of *Kilbourn v. Thompson* that the House has no general power to punish for contempt. (176) 103 *U. S.*, 168.

CONTESTANTS IN ELECTION CASES.

Entitled to the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV*.

CONTESTED ELECTIONS.

The right of a Member to his seat may come up at any time as a question of privilege, even though the subject has been referred to a committee. (112) 1-48, *Record*, p. 5299.

A motion to discharge a committee from the consideration of a contested election case presents a question of the highest privilege. (113) 1-49, *Record*, p. 7403.

The right of a Member to his seat presents a question of privilege, and takes precedence of other business. (107-116) 1-26, *Journal*, pp. 1283, 1300; 1-29, *Journal*, p. 201, *Globe*, p. 158; 1-31, *Journal*, p. 1065, *Globe*, pp. 1315, 1317; 2-31, *Journal*, p. 119, *Globe*, p. 190; 2-44, *Journal*, p. 15, *Record*, p. 11; 1-48, *Record*, p. 5299; 1-49, *Record*, p. 7403; 1-53, *Journal*, p. 157, 159; 1-51, *Journal*, pp. 22, *Record*, p. 196.

The contestant in an election case is sometimes allowed, by unanimous consent, to address the House in his own behalf. (843) 1-54, *Record*, pp. 1120, 1168.

A contestant heard in his own behalf is subject to all the rules of debate applying to the Member. A Speaker, being a contestee, was allowed to speak by unanimous consent. (840) 1-28, *Journal*, p. 1012, *Globe*, p. 648.

Questions that have arisen over the effect of votes defeating resolutions declaring Members entitled to their seats, etc. (109, footnote) 1-30, *Journal*, p. 709, *Globe*, p. 643; 1-31, *Journal*, p. 1065, *Globe*, pp. 1315, 1317; 1-54, *Record*, p. 5915.

The question of consideration may be demanded against a question of the highest privilege, such as the right of a Member to his seat. (817, 818) 1-35, *Journal*, pp. 1083, 1085; 1-54, *Record*, pp. 6283, 6299.

CONTINGENT FUND.

Subjects relating to, belong to the jurisdiction of the Committee on Accounts. (652) *Rule XI, section 53.*

Matters of expenditure from, may be reported to the House by the Committee on Accounts at any time. (398) *Rule XI, section 59; 3-55, Record, p. 2761.*

The approval of the Committee on Accounts is conclusive as to lawful expenditures from the contingent fund. (1735) *Decisions of Comptroller (Bowler), Vol. II, p. 24.*

The Clerk keeps the contingent fund and stationery accounts, and pays Members' stationery accounts. (1712) *Rule III, section 3.*

The most recent decisions are that resolutions appropriating from the contingent fund need not be considered in Committee of the Whole, but earlier decisions are the other way. (1728-1733) *2-50, Record, pp. 356, 357; 1-52, Journal, p. 345, Record, p. 6945; 2-52, Journal, p. 126, Record, p. 2431; 1-51, Journal, p. 87, Record, p. 376; 2-51, Journal, p. 216, Record, p. 2199; 2-54, Record, p. 271.*

Expenses of monuments to deceased Members in the Congressional Cemetery are defrayed from. (1759) *19 Stat. L., p. 54.*

CONTRACTS.

The Clerk makes or approves all contracts, bargains, or agreements relative to supplies or labor for the House. (1712) *Rule III, section 3.*

Contracts involving the employment of horses. (1735, footnote) *23 Stat. L., p. 512.*

A Member may not be interested in a public contract. (29) *Revised Statutes, sections 3739-3742.*

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Subjects relating to, belong to the jurisdiction of the Committee on Patents. (636) *Rule XI, section 28.*

CORRECTION.

An enrolled bill may be corrected by the passage of a concurrent resolution. (476, 477) *1-54, Record, p. 5243; 2-55, Record, p. 5770.*

CORRECTION OF REFERENCE.

The Speaker refers public bills, memorials, and resolutions; and correction of reference is made by the House. (450) *Rule XXII, section 3.*

CORRIDORS.

The Speaker has control of them. (44) *Rule I, section 3.*

CORRUPT COMBINATIONS.

An alleged corrupt combination on the part of certain Members constituted a question of privilege. (151) *3-34, Journal, pp. 475, 476, Globe, pp. 764, 766.*

COUNTING ELECTORAL VOTE.

The law relating to counting the electoral vote. (1786) *24 Stat. L., p. 373.*

Preparations for the counting of the electoral vote. (1767) *2-54, Record, p. 1462.*

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COUNTING THE HOUSE.

Under the latest as well as the very early practice of the House the Speaker may count the Members to ascertain the presence of a quorum. (242 and footnote) 1-51, *Journal*, pp. 175-177, *Record*, pp. 949-960, 979-993; 144 *U. S. Sup. Court Rep.*, p. 1; 2-9, *Annals*, p. 655; 2-21, *Debates*, p. 382; 1-26, *Globe*, p. 360.

It is strictly parliamentary for the Speaker or Chairman of the Committee of the Whole to count the Members to ascertain the presence of a quorum. (1632) 1-24, *Journal*, pp. 1209, 1225, *Globe*, p. 484.

A call of the House is not in order after the previous question has been ordered, unless it appears upon an actual count by the Speaker that a quorum is not present. (960) *Rule XVII*, section 2.

The right to demand tellers is not waived by the fact that the Member demanding them has just made the point of no quorum and caused the Chair to count the House. (1143) 1-51, *Journal*, pp. 528, 529, *Record*, p. 3911.

COUNTING A QUORUM.

The rule for counting Members not voting in determining the presence of a quorum. (241) *Rule XI*, section 3.

The point of order being made that a Member noted as present under section 3 of Rule XV was actually absent, his name was erased from the list before the announcement of the result. (249) 2-51, *Journal*, p. 273, *Record*, pp. 2997, 2999.

COURTS.

The mandate of a court to Members of the House requiring them to produce in court certain papers in possession of a committee of the House was held to be a breach of privilege. (142) 1-44, *Journal*, p. 528, *Globe*, pp. 1522, 1538.

The statutes provide that extracts from the Journal shall be admitted as evidence in the United States courts. (215) *Revised Statutes*, section 895.

COURT OF CLAIMS.

Reports of findings of fact from the Court of Claims are referred to the committee having original jurisdiction in the matter. (1433) 1-50, *Record*, p. 110.

Bills releasing liability to the United States or referring any claim to the Court of Claims must be considered in Committee of the Whole. (764) *Rule XXIII*, section 3.

A bill admitting a class of claims to the Court of Claims for examination and report, but leaving Congress free as to final action in regard to payment, was held not to require consideration in Committee of the Whole. (797) 2-48, *Journal*, p. 260, *Record*, pp. 696, 697.

Reports of judgments of the Court of Claims are transmitted to Congress at the first of every December session. (1437) *Revised Statutes*, section 1057.

COURT OF CLAIMS—Continued.

The relations of the House with the Court of Claims. (1437) *22 Stat. L.*, p. 485, *24 Stat. L.*, p. 505.

No Member shall practice in. (7 footnote) *Revised Statutes*, section 1058.

CREDENTIALS.

See also "Certificates."

Members-elect challenged at the organization of the House for alleged defects in their credentials or election have generally been allowed to take the oath pending the examination of their cases. 1-37, *Journal*, pp. 12, 13, *Globe*, pp. 6, 7, 10, 13; 1-41, *Globe*, pp. 7, 10; 1-42, *Globe*, pp. 6, 7, 10; 1-44, *Record*, pp. 167, 171, 172; 1-45, *Record*, pp. 54, 60, 69, 73, 88, 92, 93; 1-46, *Record*, pp. 6, 27; 1-47, *Record*, pp. 9, 11, 13, 14, 15; 1-53, *Record*, pp. 201, 202, 226-238.

In a few instances Members-elect challenged because of alleged defects in their credentials have not been allowed to take the oath. 1-38, *Journal*, pp. 6, 7, 9, 12, *Globe*, p. 7; 1-38, *Journal*, p. 13, *Globe*, p. 8; 1-47, *Record*, p. 14.

CUBA.

The Committee on Insular Affairs has jurisdiction of all subjects (excepting those affecting the revenue and appropriations) relating to Cuba, Puerto Rico, Guam, and the Philippines. *Rule XI*, section 18.

CURRENCY.

Subjects relating to, belong to the jurisdiction of the Committee on Banking and Currency. (614) *Rule XI*, section 5.

DEBATE.*Rights of Member in debate.*

No Member may occupy more than one hour in debate in House or in committee. (838) *Rule XIV*, section 2.

A Member is entitled to but one hour to debate a question of privilege. (844) 1-51, *Journal*, p. 1013 *Record*, p. 9679.

A Member having the floor for debate may not be interrupted by a motion to adjourn. (845, 1487, 1489) 1-53, *Journal*, p. 117; *Jefferson's Manual*, Section XX, p. 136; 2-51, *Journal*, pp. 14, 15, *Record*, p. 35.

A motion relating to the order of business may not be made while a Member is speaking. (1487) *Jefferson's Manual*, Section XX, p. 136.

A conference report may be presented when a Member is occupying the floor for debate. (1393-1395) 2-50, *Record*, pp. 678, 683; 1-51, *Journal*, pp. 822, 904, *Record*, pp. 6941, 6942, 7880.

A Member having the floor in Committee of the Whole may yield to another Member to move that the committee rise without losing his right to occupy the floor at the next sitting. (846, 847) 1-31, *Globe*, pp. 340, 358; 2-31, *Globe*, p. 645.

A Member who proposes to submit a motion may not debate it until it has in fact been submitted and read or stated to the House by the Clerk or Speaker. (842) 2-53, *Journal*, pp. 37-41, *Record*, p. 376.

DEBATE—Continued.*Rights of Members in debate*—Continued.

The contestant in an election case is sometimes allowed, by unanimous consent, to address the House in his own behalf. (843) 1-54, *Record*, pp. 1120, 1168.

A contestant heard in his own behalf is subject to all the rules of debate applying to the Member. A Speaker, being a contestee, was allowed to speak by unanimous consent. (840) 1-28, *Journal*, p. 1012, *Globe*, p. 648.

No Member may speak more than once unless he be the mover, proposer, or introducer of the pending matter, in which case he may speak in reply after all choosing to speak have spoken. (861) *Rule XIV*, section 6.

The Member reporting the measure under consideration may open and close, where general debate is had, and may have an additional hour to close if the debate extends beyond a day. (860) *Rule XIV*, section 3.

The right of "the Member reporting the measure under consideration from a committee" to close the debate, and the relations of that right to the previous question and to the limitation of debate in Committee of the Whole. (866-869) 1-31, *Journal*, p. 1056, *Globe*, p. 1308; 2-44, *Journal*, pp. 201, 202, *Record*, 544, 708; 1-48, *Journal*, pp. 338, 339, *Record*, pp. 466, 1167.

The right of the "mover, proposer, or introducer of the matter pending" to speak in reply does not apply to a Member who has moved to reconsider the vote on a bill which he did not report. (865) 1-44, *Record*, pp. 382, 390.

It is too late to make the point of order that a Member has already spoken if no one claims the floor until he has made some progress in his speech. (864) 1-29, *Journal*, p. 934.

A Member who has spoken once to the main question may speak again to an amendment. (862-863) *Jefferson's Manual*, Section XXXV, p. 157; 1-28, *Journal*, p. 532, *Globe*, p. 356.

The Constitution defines the privileges of Members in regard to debate. (91) *Constitution*, Article I, section 6, p. 5, 6.

Recognition by the Speaker.

The Speaker has authority to name the Member who is entitled to the floor. (66) 2-32, *Journal*, p. 405, *Globe*, p. 1154.

Under the rules, the Speaker recognizes the Members who address the House. (87) 2-55, *Record*, p. 2328.

The rule of recognition and the hour rule for debate, form, and history. (62) *Rule XIV*, section 2.

Discretion as to recognition must be lodged with the Presiding Officer. (Mr. Garfield's report.) (63) 1-46, *Record*, p. 340.

The Speaker may, under certain circumstances, prefer another Member to one who is already on the floor. (68) 1-55, *Record*, p. 2449.

DEBATE—Continued.**Recognition by the Speaker—Continued.**

The Member on whose motion a subject is brought before the House is first entitled to the floor. (70) 2-30, *Journal*, p. 247.

The Member reporting a bill from a committee is entitled to recognition although another Member may have risen first. (69) 3-27, *Journal*, p. 211.

The chairman of a committee having in committee opposed a bill, must in the House yield prior recognition to a Member of his committee who has favored the bill. (71) 1-49, *Journal*, pp. 2225-2227, *Record*, pp. 7053-7057.

The question as to the extent to which the chairman of the committee reporting a bill should be recognized to offer amendments to perfect it, in preference to other Members. (73) 2-53, *Record*, pp. 831, 887.

A Member may not, by offering a motion of higher privilege than the pending motion, deprive the member of the committee in charge of the bill of the floor. (74, 75) 2-50, *Record*, p. 2454.

A member of the committee having occupied the floor in favor of the measure, a Member opposing should be recognized, even though he be not a member of the committee. (72) 1-52, *Journal*, p. 152, *Record*, pp. 3429, 3430.

A motion made by the Member in control of a bill being decided adversely, the right to recognition passes to the opponents. (82, 83, 84, 85) 2-54, *Record*, pp. 822, 1071, 1320, 2590.

A Member may demand the question of consideration, although the Member in charge of the bill claims the floor for debate; but the previous question may not in a similar manner be demanded. (79) 2-55, *Record*, p. 5763.

As to whether the motion to lay on the table may be made before the Member in charge has begun his remarks. (77, 78) 1-52, *Journal*, p. 290, *Record*, pp. 6126, 6127; 1-55, *Record*, p. 744.

When suspension of the rules is asked to pass a bill a Member opposing the bill is entitled to demand a second, and thus control the time in opposition. (76) 2-54, *Record*, p. 2365.

Personal questions.

If charges arise against a Member he is to be heard. (8) *Jefferson's Manual, Section XVII*, p. 132.

In presenting a case of personal privilege arising out of charges made against him, the Member must confine himself to the charges. (106, 905) 2-55, *Record*, p. 5056; 1-52, *Journal*, p. 142, *Record*, p. 3213.

While a Member rising to a question of personal privilege may be allowed some latitude in developing the case, yet the rule requiring the Member to confine himself to the subject holds in this as in other cases. (878, 879) 1-51, *Journal*, pp. 992, 1013, *Record*, 9189, 9191, 9676.

DEBATE—Continued.*Personal questions*—Continued.

A Member, in making a personal explanation, has the largest latitude, but must confine himself to the point on which he has been criticised, and may not yield time for debate to another. (34) 2-38, *Globe*, p. 503.

A Member threatened with expulsion, and heard in his own defense, may not depute another to appear for him, and is governed by the rules of debate. (30) 2-41, *Journal*, p. 373.

Language which may be replied to as a matter of personal privilege must reflect upon the Representative in his capacity as a Representative. (185) 2-52, *Journal*, p. 106, *Record*, p. 1979.

A declaration on the floor of the House that a statement made by a Member on his own responsibility is false presents a question of privilege. (99) 1-49, *Record*, p. 5516.

A question of personal privilege is not in order at a session devoted by order of the House to debate alone. (105) 1-54, *Record*, p. 1457.

References to other Members, committees, or the Senate.

A Member may not in debate refer to another Member by name. (877) 2-55, *Record*, p. 2433, *Jefferson's Manual*, Section XVII, p. 130.

In debate a Member should not address another in the second person. 3-55, *Record*, pp. 762, 1289.

It is a breach of order to refer in debate to proceedings in the other House, and it is particularly the duty of the Speaker to prevent such expressions. (907) *Jefferson's Manual*, Section XVII, p. 132; 3-55, *Record*, pp. 2669, 2685, *Appendix*, pp. 38, 39.

References in the nature of criticisms of the other body, or comments upon it, have been repressed with strictness. (908-912) 2-46, *Record*, p. 1681; 1-48, *Record*, p. 3976; 1-51, *Record*, p. 10381; 1-54, *Journal*, pp. 451-452, *Record*, pp. 4801, 4802; 1-55, *Record*, p. 1393.

It is not in order in debate to refer to a Senator in terms or criticise him personally. (1639) 1-52, *Journal*, p. 87, *Record*, p. 1703.

Language used in the House and published in the Congressional Record, reflecting upon the Senate and Senators, presents a question of privilege. (141) 1-51, *Journal*, pp. 1041, 1044, *Record*, pp. 10068, 10101.

A Member whose motives have been impugned in the Senate may refer to proceedings in that body sufficiently to explain his own motives, but may not under the rights of privilege bring into discussion the whole merits of the controversy. (102) 1-52, *Journal*, p. 354.

Indecent language against the proceedings of the House, mentioning a Member by name, arraigning the motives of Members, and personalities generally are improper in debate. (898) *Jefferson's Manual*, Section XVII, p. 130.

It is not in order in the House to refer to the proceedings of a committee, or to read from the records thereof, except by authority of the committee. (713-716) 1-26, *Journal*, pp. 418, 423, *Globe*, p. 213; 1-31, *Journal*, p. 393, *Globe*, p. 214; 2-51, *Journal*, p. 67, *Record*, p. 647; 2-51, *Journal*, p. 174, *Record*, pp. 1787, 1788.

DEBATE—Continued.*Participation of Speaker.*

The Speaker may speak first on matters of order. (839) *Jefferson's Manual, Section XVII, p. 129.*

Except on points of order the Speaker may not speak except by leave of the House. (839) *Jefferson's Manual, Section XVII, p. 129.*

While this is the old parliamentary rule, Speakers have, in the rare instances when they have left the chair to participate in debate, done so without the formal consent of the House. 2-37, *Globe, p. 909; 1-38, Journal, p. 505, Globe, p. 1503; 3-40, Journal, p. 322, Globe, p. 1066; 1-42, Globe, p. 124; 3-42, Globe, p. 11; 2-43, Record, p. 899; 2-53, Record, p. 3335.*

Resolutions accompanying a report must be stated by the Speaker or read by the Clerk before being debated. (841) 2-43, *Journal, p. 745, Record, pp. 2412, 2413.*

Points of order, relations to.

Debate upon a point of order is within the discretion of the Speaker. (880, 1643) 2-51, *Journal, p. 174, Record, pp. 1787, 1788; 1-43, Record, p. 3020.*

The decision of the Speaker on questions of order is subject to appeal, on which appeal a Member may speak but once. (45) *Rule I, section 4.*

After debate has begun on a proposition it is too late to make a point of order. (1657-1663) 1-30, *Journal, p. 989; 1-48, Record, p. 752; 1-51, Journal, p. 21, Record, p. 195; 1-54, Record, pp. 567, 572; 2-55, Record, pp. 2720-2724, 3001; 2-55, Record, p. 6092; 3-55, Record, p. 267.*

Confining Member to the subject.

The Member shall confine himself to the question under debate, avoiding personality. (61, 870) *Rule XIV, section 1; Jefferson's Manual, Section XVII, p. 130.*

It has always been held, and generally quite strictly, that in the House the Member must confine himself to the subject under debate. (872-876) 2-18, *Debates, p. 510; 1-29, Journal, pp. 764, 769; 1-48, Journal, p. 1014; 2-51, Journal, p. 13, Record, p. 30; 2-55, Record, pp. 1632-1635.*

It has generally been held that the Member need not confine himself to the subject during general debate in the Committee of the Whole House on the state of the Union. (883-887) 1-26, *Globe, pp. 338, 340, 360; 1-27, Globe, p. 135; 2-30, Globe, pp. 587, 592; 1-31, Globe, p. 1475; 1-32, Globe, p. 1856.*

In general debate in Committee of the Whole House the Member must confine himself to the subject. (888) 2-55, *Record, pp. 2497-2500.*

In debate under the five-minute rule the Member must confine himself to the subject. (889-897) 1-31, *Globe, pp. 1594, 1596; 1-51, Record, p. 3695; 1-52, Record, pp. 4689, 4690; 2-54, Record, p. 1355; 1-54, Record, p. 438; 2-55, Record, pp. 2142, 2244, 2245, 2735, 2736, 3226-3236; 3-55, Record, p. 1399.*

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DEBATE—Continued.*Confining Member to the subject*—Continued.

In discussing a proposition to impeach the President a wide latitude was allowed a Member in preferring charges. (906) 2-39, *Journal*, p. 163, *Globe*, p. 444.

Yielding time.

It has been held that under general parliamentary law a Member who yields the floor yields it entirely and may not resume it. (852, 853) 1-51, *Record*, pp. 955, 1010, 1146, *Journal*, p. 209.

While a Member is occupying the floor he may yield it to another for explanation of the pending measure as well as for personal explanation. (850, 851) 1-32, *Journal*, p. 524, *Globe*, p. 911; 2-33, *Globe*, p. 815.

Members may not yield time during the five-minute debate. (858, 859) 1-51, *Record*, p. 4662; 1-55, *Record*, p. 481.

A Member who yields the floor to another to offer an amendment loses his right to reoccupy it. (854) 1-26, *Journal*, p. 248, *Globe*, pp. 153, 154.

When a Member yields of his time but retains control of the floor, an amendment may not be offered in the yielded time without his consent. (855) 2-54, *Record*, p. 2208.

A Member who receives time from another may yield of it to a third only with the consent of the first. (856, 857) 2-54, *Record*, p. 1995; 2-55, *Record*, p. 1632.

The time of a debate having been divided and assigned to the control of the two sides, it must be assigned to Members in accordance with the rules, no Member being allowed more than one hour. (848, 849) 1-54, *Record*, p. 5199; 2-54, *Record*, pp. 462, 465.

In Committee of the Whole.

The motion to close general debate in Committee of the Whole is made pending the motion that the House resolve itself into committee, and, though not debatable, the previous question is sometimes asked to prevent attempts at amendment of the motion. (915) 2-54, *Record*, p. 2218.

The rule for closing general debate in Committee of the Whole applies to messages of the President as well as bills, and may be applied to a particular portion of a message. (916) 1-32, *Journal*, pp. 146, 147.

General debate in Committee of the Whole may not be limited on a series of bills by one motion. 3-55, *Record*, p. 1561, *Journal*, p. 143.

The time occupied in reading a bill in Committee of the Whole does not come out of the time allowed for general debate. (921) 2-43, *Record*, p. 1699.

The House having fixed the time when general debate in Committee of the Whole shall cease, the committee may not extend it even by unanimous consent. (917-918) 2-32, *Globe*, pp. 784, 785; 2-55, *Record*, pp. 81, 95.

DEBATE—Continued.*In Committee of the Whole—Continued.*

A motion to limit general debate in Committee of the Whole is not in order until such debate has been actually begun. (732, 916, footnote) 2-45, *Journal*, p. 619.

If general debate is limited in Committee of the Whole it must be limited on the whole and not on a part of the bill under consideration. (734) 1-50, *Journal*, p. 2507, *Record*, p. 7039.

It is not in order to close debate on a paragraph in Committee of the Whole before debate upon it has begun. (733) 1-49, *Journal*, p. 1736, *Record*, pp. 5004, 5005.

After general debate is closed by order of the House in Committee of the Whole, amendments are offered, debated, and amended under the five-minute rule, and any amendment once offered may be withdrawn only by unanimous consent. (913) *Rule XXIII*, section 5.

The Committee of the Whole may, after the five-minute debate has begun, close debate on the section, paragraph, or pending amendments; but this does not preclude further amendment. (914) *Rule XXIII*, section 6.

The right to limit debate on the pending section of a bill which is being considered in Committee of the Whole under the five-minute rule may be exercised by the House as well as by the Committee of the Whole. (920) 1-53, *Journal*, p. 154.

It has been held in order in the House to close debate on a section of a bill in Committee of the Whole, although only a portion of the section had been read for amendment. (919) 2-48, *Record*, pp. 1604-1612.

While the House is proceeding as in Committee of the Whole the previous question may not be moved on a single section of a bill; but it has been decided that it may be moved on a motion to close debate on such section. (805) 2-48, *Journal*, p. 127, *Record*, pp. 333-344.

Before general debate is closed in Committee of the Whole it is not in order to move that the committee rise and report the bill if any Member demand the right to amend. (729) 3-46, *Record*, pp. 1434, 1435.

In Committee of the Whole, as well as in the House, a Member may speak but once on an appeal. (1676) 2-55, *Record*, p. 739.

Debate on an appeal in Committee of the Whole has been limited by the committee itself, on motion put and carried, or by the committee rising to enable the House to limit it. (1673-1675) 1-52, *Record*, p. 4680; 2-55, *Record*, pp. 730, 731, 3226-3232.

Reading of papers in.

When the reading of a paper, other than one on which the House is called to give a final vote, is demanded, and objected to, the question is determined by the House without debate. (1236) *Rule XXXI*.

DEBATE—Continued.*Confining Member to the subject*—Continued.

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Members may not yield time during the five-minute debate. (858, 859) 1-51, *Record*, p. 4662; 1-55, *Record*, p. 481.

A Member who yields the floor to another to offer an amendment loses his right to reoccupy it. (854) 1-26, *Journal*, p. 248, *Globe*, pp. 153, 154.

When a Member yields of his time but retains control of the floor, an amendment may not be offered in the yielded time without his consent. (855) 2-54, *Record*, p. 2208.

A Member who receives time from another may yield of it to a third only with the consent of the first. (856, 857) 2-54, *Record*, p. 1995; 2-55, *Record*, p. 1632.

The time of a debate having been divided and assigned to the control of the two sides, it must be assigned to Members in accordance with the rules, no Member being allowed more than one hour. (848, 849) 1-54, *Record*, p. 5199; 2-54, *Record*, pp. 462, 465.

In Committee of the Whole.

The motion to close general debate in Committee of the Whole is made pending the motion that the House resolve itself into committee, and, though not debatable, the previous question is sometimes asked to prevent attempts at amendment of the motion. (915) 2-54, *Record*, p. 2218.

The rule for closing general debate in Committee of the Whole applies to messages of the President as well as bills, and may be applied to a particular portion of a message. (916) 1-32, *Journal*, pp. 146, 147.

General debate in Committee of the Whole may not be limited on a series of bills by one motion. 3-55, *Record*, p. 1561, *Journal*, p. 143.

The time occupied in reading a bill in Committee of the Whole does not come out of the time allowed for general debate. (921) 2-43, *Record*, p. 1699.

The House having fixed the time when general debate in Committee of the Whole shall cease, the committee may not extend it even by unanimous consent. (917-918) 2-32, *Globe*, pp. 784, 785; 2-55, *Record*, pp. 81, 95.

DEBATE—Continued.*In Committee of the Whole—Continued.*

A motion to limit general debate in Committee of the Whole is not in order until such debate has been actually begun. (732, 916, footnote) 2-45, *Journal*, p. 619.

If general debate is limited in Committee of the Whole it must be limited on the whole and not on a part of the bill under consideration. (734) 1-50, *Journal*, p. 2507, *Record*, p. 7039.

It is not in order to close debate on a paragraph in Committee of the Whole before debate upon it has begun. (733) 1-49, *Journal*, p. 1736, *Record*, pp. 5004, 5005.

After general debate is closed by order of the House in Committee of the Whole, amendments are offered, debated, and amended under the five-minute rule, and any amendment once offered may be withdrawn only by unanimous consent. (913) *Rule XXIII*, section 5.

The Committee of the Whole may, after the five-minute debate has begun, close debate on the section, paragraph, or pending amendments; but this does not preclude further amendment. (914) *Rule XXIII*, section 6.

The right to limit debate on the pending section of a bill which is being considered in Committee of the Whole under the five-minute rule may be exercised by the House as well as by the Committee of the Whole. (920) 1-53, *Journal*, p. 154.

It has been held in order in the House to close debate on a section of a bill in Committee of the Whole, although only a portion of the section had been read for amendment. (919) 2-48, *Record*, pp. 1604-1612.

While the House is proceeding as in Committee of the Whole the previous question may not be moved on a single section of a bill; but it has been decided that it may be moved on a motion to close debate on such section. (805) 2-48, *Journal*, p. 127, *Record*, pp. 333-344.

Before general debate is closed in Committee of the Whole it is not in order to move that the committee rise and report the bill if any Member demand the right to amend. (729) 3-46, *Record*, pp. 1434, 1435.

In Committee of the Whole, as well as in the House, a Member may speak but once on an appeal. (1676) 2-55, *Record*, p. 739.

Debate on an appeal in Committee of the Whole has been limited by the committee itself, on motion put and carried, or by the committee rising to enable the House to limit it. (1673-1675) 1-52, *Record*, p. 4680; 2-55, *Record*, pp. 730, 731, 3226-3232.

Reading of papers in.

When the reading of a paper, other than one on which the House is called to give a final vote, is demanded, and objected to, the question is determined by the House without debate. (1236) *Rule XXXI*.

DEBATE—Continued.*Reading of papers in*—Continued.

A Member may not have read or read himself a printed book to the House without its leave. (1138) *1-51, Record, p. 1019.*

Without leave of the House a Member has not the right to read a paper in his place, even though it be his own written speech. (1237) *Jefferson's Manual, Section XXXII, pp. 146, 147.*

Objections being made when Members have proposed to have papers read as parts of their remarks, the question has been referred to the House, as provided by the rule. (1243-1245) *1-54, Record, p. 3557; 1-55, Record, pp. 507, 513, 514; 2-55, Record, p. 846.*

A Member who proposes to read as part of a personal explanation matter which the House had refused to allow to go into the Congressional Record was permitted to do so, subject to a point of order if there should be anything in violation of the rules governing debate. (1242) *1-49, Record, pp. 8031, 8032, Journal, pp. 2547, 2548.*

If a paper read by a Member or by the Clerk contain matter not in order a point of order may be made as if the words were spoken in debate. (1634) *1-49, Journal, p. 2547.*

Speeches in the Congressional Record.

Words spoken by a Member after he has been called to order may be excluded from the Record by direction of the Speaker. (1680, 1681, 1682) *1-38, Globe, p. 3390; 1-44, Record, p. 5697; 1-54, Record, p. 5802.*

A Member should not correct the notes of his own speech in such a way as to affect the remarks of an opponent in controversy without bringing the correction to the attention of that Member. (1689) *2-55, Record, pp. 120, 129.*

A Member is not entitled to inspect the reporters' notes of remarks delivered by another Member and which have been withheld for revision. (1688) *2-53, Journal, p. 435, Record, p. 6418.*

A resolution being presented to expunge a Member's speech from the Record, the Member is not necessarily entitled thereby to the floor on a question of personal privilege. (119) *1-49, Journal, p. 1835, Record, pp. 5416, 5420.*

A resolution to omit from the Congressional Record certain remarks declared out of order does not present a question of privilege. (118) *2-48, Journal, p. 356, Record, p. 1024.*

A question as to the accuracy or propriety of anything contained in the official records of debates may be submitted to the House as a matter of privilege. (117, 119) *2-48, Journal, pp. 73, 74, Record, p. 205; 1-49, Record, pp. 5416, 5420, Journal, p. 1835.*

Disorderly words in.

If any Member in speaking or otherwise transgress the rules of the House it is the duty of the Speaker and the privilege of any Member to call him to order, in which case he shall sit down, and the offense may be a subject of decision by the House. (871) *Rule XIV, section 4.*

DEBATE—Continued.*Disorderly words in*—Continued.

A Member called to order in debate must take his seat, although he may be permitted by the House to proceed in order or explain. (1636-1639) 2-51, *Journal*, p. 174, *Record*, p. 1788; 2-55, *Record*, p. 3814; 2-53, *Journal*, p. 137, *Record*, pp. 1879, 1880; 1-52, *Journal*, p. 87, *Record*, p. 1703.

When a Member is called to order for words spoken in debate, the words are to be taken down at once before further debate or business has intervened. (899) *Rule XIV*, section 5.

The Committee of the Whole having risen and reported disorderly language used by a Member, a resolution of censure was held to be in order without a prior decision by the Speaker that the remarks were in fact against order. (1635) 1-51, *Journal*, pp. 623-625, *Record*, pp. 4861, 4862, 4868, 4876.

Disorderly words spoken in Committee of the Whole are written down, but the committee can only report them to the House. (1627) *Jefferson's Manual*, Section XVII, p. 132.

The Speaker having decided that words spoken are out of order, the Member may be permitted to explain, and then it is in order to move that he be allowed to proceed. (903, 904) 2-53, *Journal*, p. 204, *Record*, p. 2450; 1-52, *Journal*, p. 343.

The words of a Member having been taken down, and the Speaker having decided that they were not in order, it was held that a motion that the Member be permitted to explain had precedence of a motion that he be permitted to proceed in order. (902) 2-53, *Journal*, p. 132, *Record*, p. 1811.

The demand that disorderly words be taken down must be made at once before debate intervenes. (901) 1-51, *Journal*, p. 994, *Record*, p. 9234.

Disorderly words not having been taken down when uttered, it was held not in order to recur to them for the purpose of administering censure. (900) 2-37, *Journal*, p. 610.

When a Member who is persisting in his violation of the rule is called to order it is the practice to test the opinion of the House by a motion "that the gentleman be allowed to proceed in order." (880-882) 2-51, *Journal*, p. 174, *Record*, pp. 1787, 1788; 1-55, *Record*, pp. 1067, 1068; 2-55, *Record*, pp. 1632-1635.

Limitations of.

The rule of the previous question provides for cutting off all debate. (959) *Rule XVII*, section 1.

Except as specially provided by rule, the motion to suspend the rules is not debatable. (1586) 2-27, *Globe*, p. 121.

When the previous question is demanded all debate, even the asking of a question, is precluded. (971) 1-28, *Journal*, p. 1003.

DEBATE—Continued.*Reading of papers in*—Continued.

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DEBATE—Continued.*Disorderly words in*—Continued.

A Member called to order in debate must take his seat, although he may be permitted by the House to proceed in order or explain. (1636-1639) 2-51, *Journal*, p. 174, *Record*, p. 1788; 2-55, *Record*, p. 3814; 2-53, *Journal*, p. 137, *Record*, pp. 1879, 1880; 1-52, *Journal*, p. 87, *Record*, p. 1703.

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DEBATE—Continued.*Limitations of*—Continued.

It is not in order to move that debate in the House on a bill be closed at a certain time. (967, 968) 1-47, *Journal*, p. 564, *Record*, pp. 1096, 1097; 1-54, *Record*, p. 5200.

Before rules were adopted it was held in order to demand the previous question on a resolution relating to the order of business. (964) 1-53, *Journal*, p. 23, *Record*, p. 1027.

When a vote taken under operation of the previous question is reconsidered, the question stands divested of the previous question and may be debated and amended. (991-994) 1-27, *Journal*, pp. 47, 61, 128, 129, *Globe*, p. 53; 1-33, *Journal*, p. 127; 3-34, *Journal*, p. 452, *Globe*, p. 729; 1-54, *Record*, p. 3722.

The reading of a report, being in the nature of debate, is not in order after the previous question is ordered. (973, 974) 1-23, *Journal*, p. 726; 1-49, *Record*, pp. 7154, 7155.

A bill being reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out, the question of concurrence is debatable in the House. (939, 940) 1-43, *Journal*, p. 629, *Record*, p. 2342; 2-53, *Journal*, pp. 21, 22, *Record*, pp. 120, 121.

The motion to recommit with instructions, made before the previous question is asked or ordered, is debatable. 3-55, *Record*, pp. 595, 597.

The motions allowed when a question is under debate and their precedence. (924) *Rule XVII*, section 4.

Limitation of debate during the counting of the electoral vote. (1766) 24 *Stat. L.*, p. 373.

The forty minutes' debate.

Forty minutes of debate are allowed on a motion to suspend the rules, and where the previous question has been ordered on a proposition on which there has been no debate. (1558) *Rule XXVIII*, section 3.

When the previous question has been ordered on a proposition, no debate having been had on it in the form in which it is submitted, the question is debatable for forty minutes. (978) 2-50, *Journal*, p. 334, *Record*, p. 1381.

On a motion to suspend the rules the forty minutes of debate are allowed, although the proposition presented may not otherwise be debatable. (1566) 2-52, *Journal*, p. 142, *Record*, p. 2606.

The word "proposition" in the rule providing for forty minutes of debate after the previous question is ordered means the main question and does not refer to incidental motions. (982) 1-54, *Journal*, p. 535, *Record*, p. 1342.

The previous question having been ordered on a conference report relating to a subject which had been debated in the House before being sent to conference, it was held that the forty minutes of debate should not be allowed. (981, 982) 1-54, *Journal*, p. 535, *Record*, p. 1342; 2-55, *Record*, p. 4062; 3-55, *Record*, p. 2188.

DEBATE—Continued.*The forty minutes' debate*—Continued.

A proposition having been debated, and then an amendment having been offered and the previous question ordered on the original proposition and amendment immediately, it was held that the forty minutes of debate could not be had on the amendment. (980) 1-52, *Journal*, p. 136, *Record*, p. 3059.

Debate having been had in the Committee of the Whole, the right to the forty minutes of debate is thereby cut off. (979) 1-52, *Journal*, p. 173, *Record*, p. 3930.

If there has been debate, even though brief, before the previous question is ordered, the forty minutes of debate provided for in Rule XXVIII is precluded. (975-977) 1-51, *Journal*, p. 555, *Record*, p. 4086; 2-51, *Journal*, p. 178, 182, *Record*, pp. 1809, 1810, 1831-1833.

The previous question being ordered before rules had been adopted for the House, it was held that the provision allowing forty minutes of debate did not apply. (966) 1-55, *Record*, p. 17.

Questions not debatable.

The motion to adjourn, lay on the table, and for the previous question are not debatable. (924) *Rule XVI, section 4*.

The motion to fix the day to which the House shall adjourn is not debatable. (1513, 1514) 1-55, *Record*, pp. 672, 743.

After the motion is made for the previous question all incidental questions of order, whether on appeal or otherwise, are decided without debate. (961) *Rule XVII, section 3*.

A division having commenced, debate is thereby precluded. (1169) 2-51, *Journal*, p. 157, *Record*, p. 1568.

A motion to reconsider is not debatable if the question proposed to be reconsidered was not debatable. (1211-1213) 2-27, *Journal*, p. 331, *Globe*, p. 218; 2-30, *Journal*, p. 135, *Globe*, p. 84; 2-45, *Journal*, p. 592, *Record*, pp. 1486, 1487.

Amendments to the title of a bill or resolution are not in order until after its passage, and are voted on without debate. (1043) *Rule XIX*.

The question as to the extent of debate allowable on a motion to commit. (1042) 2-52, *Journal*, p. 101, *Record*, p. 1956; 3-55, *Record*, pp. 595, 597.

The motion to commit under section 1 of Rule XVII is subject to amendment but is not debatable. (1012) 1-49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695.

Pending the demand for the previous question on the passage of a bill, it is not in order to debate a motion to reconsider the vote on its third reading, but the motion must be disposed of without debate. (972) 1-34, *Journal*, p. 1009, *Globe*, pp. 1259, 1260.

The motion to strike out the enacting clause is debatable according to the more recent practice of the House. (941) 2-47, *Record*, pp. 60-62.

DEBATE—Continued.**Limitations of—Continued.**

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Debate having been had in the Committee of the Whole, the right to the forty minutes of debate is thereby cut off. (979) 1-52, *Journal*, p. 173, *Record*, p. 3930.

If there has been debate, even though brief, before the previous question is ordered, the forty minutes of debate provided for in Rule XXVIII is precluded. (975-977) 1-51, *Journal*, p. 555, *Record*, p. 4086; 2-51, *Journal*, p. 178, 182, *Record*, pp. 1809, 1810, 1831-1833.

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DEBATE—Continued.**Questions not debatable**—Continued.

Changes of reference of public bills are made without debate or amendment. (447) 2-53, *Journal*, p. 202, *Record*, p. 2423.

The rule provides that questions relating to the priority of business shall be decided without debate. (434) *Rule XXV*.

A roll call may not be interrupted for debate, even for the presentation of a case of personal privilege. (1167, 1168) 1-31, *Globe*, p. 1686; 1-51, *Journal*, pp. 936, 947, *Record*, pp. 8345, 8352, 8373.

DEBT, BONDED.

Subjects relating to, are in the jurisdiction of the Committee on Ways and Means. (611) *Rule XI, section 2*.

DECEASED EMPLOYEES.

The representatives of an employee, deceased, before the passage of an act granting a month's extra pay are not entitled to what would be paid to the employee were he alive. (1705) *Decisions of Comptroller (Bourler)*, Vol. I, p. 310.

DECEASED MEMBERS.

Payment of salaries. (11) *Revised Statutes, sections 49, 50*.

DECISIONS OF THE CHAIR.

Decisions on questions of order in the House are always open for reexamination and decision. (407) 2-50, *Record*, pp. 47, 48.

The Speaker having decided that a motion is out of order under the rules of the House, a resolution condemning such decision does not present a question of privilege. (196) 2-51, *Journal*, p. 187, *Record*, p. 1872.

DECLARATIONS OF WAR.

Forms of. (1772) 2-55, *Record*, p. 4252; *U. S. Stat. L., 1-12, chapter 102*; 2 *Stat. L.*, p. 755; 9 *Stat. L.*, p. 9.

DECORUM OF MEMBERS.

Members may not smoke in the House or interrupt debate by going out, or wear their hats, or smoke, or remain near the Clerk's desk during a roll call. (10) *Rule XIV, section 7*.

In debate a Member should not address another in the second person. 3-55, *Record*, p. 1289.

DEFICIENCIES.

Appropriations for, are within the jurisdiction of the Appropriations Committee. (612) *Rule XI, section 3*.

A general appropriation bill (excepting the deficiency) provides only for the next fiscal year, and expenditures in preceding years, whether for claims or other objects, if in order on any general appropriation bill, belong to the general deficiency. (586-593) 1-51, *Record*, p. 6233, 1 51, *Record*, pp. 6201 6228, 2 54, *Record*, pp. 1258, 1263.

DEGREE OF AMENDMENT.

The rule determining the degree of an amendment in cases of amendments between the Houses. (1321) *Jefferson's Manual, Section XLV, p. 175.*

DELEGATES.

Delegates are appointed to certain committees, where they possess the same power and privileges as in the House, and may make any motion except to reconsider. (609) *Rule XII.*

Form of oath taken by Members and Delegates. (14) *Revised Statutes, sections 30, 1757.*

It has been held that there is no roll of Delegates which the Speaker is obliged to recognize at the time of swearing in Members-elect at the organization of the House. 1-47, *Record, pp. 14, 23, 38.*

Delegates from the Territories have the right to make motions. (37) 2-30, *Journal, p. 503, Globe, p. 581.*

A delegate may make any motion which a Member may make, except the motion to reconsider. (38) 1-31, *Journal, p. 1280.*

The Delegates from the Territories may debate but may not vote. (36) *Revised Statutes, sections 1862, 1863.*

A Delegate may not object to the consideration of a measure. (39) 1-39, *Globe, p. 3007.*

DEPARTMENTS.

Method of disposing of useless papers in the Executive Departments. (1783) 25 *Stat. L., p. 672.*

DESERTION.

Private pension bills and bills removing charges of desertion and political disabilities are considered at Friday evening sessions. (1438) *Rule XXVII, section 2.*

DESIGNATION AS SPEAKER.

Form of. (60) 2-55, *Record, p. 6757.*

DESKS.

The removal of the desks from the Hall of the House. (1743) 2-85 *Journal, pp. 581, 582, Globe, p. 1670; 1-36, Journal, p. 351, Globe, pp. 855, 856.*

DILATORY MOTIONS.

No dilatory motion shall be entertained by the Speaker. (1607) *Rule XVI, section 10.*

In a limited class of cases the Speaker has for many years exercised the right to rule out motions as dilatory. (1608-1611) 1-33, *Journal, pp. 735, 757, 762, 765, 854, Globe, pp. 1166, 1191, 1192; 1-35, Journal, p. 866, Globe, p. 2277; 1-50, Record, pp. 2709, 2710.*

When the ordinary and proper parliamentary motions are being used solely for delay and obstruction, it is the duty of the Chair to rule them out of order as dilatory. (1612) 1-51, *Journal, p. 181, Record, p. 999.*

DEBATE—Continued.**Questions not debatable**—Continued.

Changes of reference of public bills are made without debate or amendment. (447) 2-53, *Journal*, p. 202, *Record*, p. 2423.

The rule provides that questions relating to the priority of business shall be decided without debate. (434) *Rule XVI*.

A roll call may not be interrupted for debate, even for the presentation of a case of personal privilege. (1167, 1168) 1-31, *Globe*, p. 1686; 1-51, *Journal*, pp. 936, 937, *Record*, pp. 8345, 8352, 8373.

DEBT, BONDED.

Subjects relating to, are in the jurisdiction of the Committee on Ways and Means. (611) *Rule XI, section 2*.

DECEASED EMPLOYEES.

The representatives of an employee, deceased, before the passage of an act granting a month's extra pay are not entitled to what would be paid to the employee were he alive. (1705) *Decisions of Comptroller (Bowler)*, Vol. I, p. 310.

DECEASED MEMBERS.

Payment of salaries. (11) *Revised Statutes, sections 49, 50*.

DECISIONS OF THE CHAIR.

Decisions on questions of order in the House are always open for reexamination and decision. (407) 2-50, *Record*, pp. 47, 48.

The Speaker having decided that a motion is out of order under the rules of the House, a resolution condemning such decision does not present a question of privilege. (196) 2-51, *Journal*, p. 187, *Record*, p. 1872.

DECLARATIONS OF WAR.

Forms of. (1772) 2-55, *Record*, p. 4252; *U. S. Stat. L., 1-12, chapter 102*; 2 *Stat. L.*, p. 755; 9 *Stat. L.*, p. 9.

DECORUM OF MEMBERS.

Members may not smoke in the House or interrupt debate by going out, or wear their hats, or smoke, or remain near the Clerk's desk during a roll call. (10) *Rule XIV, section 7*.

In debate a Member should not address another in the second person. 3-55, *Record*, p. 1289.

DEFICIENCIES.

Appropriations for, are within the jurisdiction of the Appropriations Committee. (612) *Rule XI, section 3*.

A general appropriation bill (excepting the deficiency) provides only for the next fiscal year, and expenditures in preceding years, whether for claims or other objects, if in order on any general appropriation bill, belong to the general deficiency. (586-593) 1-51, *Record*, p. 6233; 1-51, *Record*, pp. 6201 6228, 2 54, *Record*, pp. 1258, 1263.

DEGREE OF AMENDMENT.

The rule determining the degree of an amendment in cases of amendments between the Houses. (1321) *Jefferson's Manual, Section XLV, p. 175.*

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Delegates are appointed to certain committees, where they possess the same power and privileges as in the House, and may make any motion except to reconsider. (609) *Rule XII.*

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When, in the opinion of the Speaker, motions or appeals have been made for purposes of delay only, he has ruled them out of order as dilatory. (1613-1620) 1-51, *Journal*, p. 997, *Record*, p. 9239; 2-53, *Journal*, pp. 284, 286, 287, 292, 293, 295, 304, 305, *Record*, pp. 3339, 3340, 3353, 3422, 3423; 2-54, *Record*, p. 2469, 1-55, *Record*, p. 2661; 2-55, *Record*, pp. 761, 762.

The Speaker sometimes declines to entertain an appeal. (225, 437, 1610) 2-53, *Journal*, pp. 292, 293, 295, 308, 309, *Record*, pp. 3351, 3352; 1-39, *Globe*, pp. 944, 945.

The Committee on Rules has leave to report at any time, and pending consideration of the report, one motion to adjourn may be entertained, but thereafter no dilatory motion. (398, 1544) *Rule XI*, section 59; 1-52, *Journal*, p. 126, *Record*, p. 2837,

Pending consideration of a report from the Committee on Rules, the questions of consideration and appeals have been ruled out of order as dilatory. (1547) 1-53, *Journal*, pp. 96, 97, 98.

Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn, but thereafter no other dilatory motion may be made. (1559) *Rule XVI*, section 8.

The presence of a quorum being disclosed, a motion for a call of the House is not in order pending a motion to suspend the rules. (1568) 1-52, *Journal*, p. 277, *Record*, p. 5922.

When a quorum fails after a motion to suspend the rules, the motion to adjourn may not be repeated unless a quorum fails to appear on a call of the House. (1567) 1-47, *Record*, pp. 2081, 2082, 2088.

Pending a motion to suspend the rules, a motion for a recess is not in order. (1569, 1570) 1-45, *Journal*, p. 290, *Record*, pp. 811, 812; 1-53, *Journal*, pp. 174, 175, *Record*, p. 3127.

The Speaker, being satisfied that a quorum was present and that a point of no quorum was made for dilatory purposes, has declined to entertain it. (1621-1623) 1-54, *Record*, pp. 6166, 6167, 6173; 2-54, *Record*, p. 1133; 2-55, *Record*, pp. 2559-2566.

The presence of a quorum having been ascertained, the Speaker has overruled points of "no quorum," made very soon thereafter. (244, 245) 1-51, *Journal*, p. 1071, *Record*, p. 10337; 2-51, *Journal*, p. 39, *Record*, p. 271.

The Speaker has ruled a demand for tellers dilatory when satisfied that it was made only for purposes of delay. (1623, 1624) 2-55, *Record*, pp. 2559-2566, 3234.

The constitutional right of the House to "determine the rules of its proceeding" may not be impaired or destroyed by the indefinite repetition of dilatory motions. (1543.) 1-47, *Journal*, p. 1362, *Record*, p. 4278.

The constitutional right of a Member to demand the yeas and nays may not be overruled as dilatory. (1625) 2-55, *Record*, p. 847.

DIPLOMATIC CORPS—DISAGREEMENT. 385

DIPLOMATIC CORPS.

Have gallery accommodations assigned by the Speaker. (1741) *Rule XXXV*.

DIRECTORY.

The Congressional Directory. (1760) *Revised Statutes, sections 77, 3801; 22 Stat. L., p. 642*.

DISABILITIES.

A person who, having taken the oath, afterwards engages in insurrection or rebellion, is disqualified as a Member; but the disability may be removed by a two-thirds vote. *Constitution, Article XIV, section 3, p. 31*.

Bills removing political disabilities are private bills. (455) *Supplement, Revised Statutes, vol. 2, p. 349; 28 Stat. L., section 55, p. 609*.

Bills removing political disabilities are considered at Friday evening sessions. (1438) *Rule XXVI, section 2*.

DISAGREEMENT.

The parliamentary law governing the precedence and effects of the motions to agree, disagree, recede, insist, and adhere. (1322) *Jefferson's Manual, Section XXXVIII, p. 164*.

The regular progression for disagreeing, insisting, and adhering in amendments between the Houses. (1321) *Jefferson's Manual, Section XLV, p. 174*.

One House may disagree to the amendments of the other, leaving it for the latter House to ask for the conference, or may ask the conference as soon as the vote of disagreement is passed. (1368, 1369) *1-35, Journal, p. 711; 2-35, Journal, p. 564*.

The motion to ask for a conference comes properly after the motion to disagree, insist, or adhere. (1367) *1-29, Journal, pp. 695, 697, Globe, p. 701*.

A conference may be asked before there has been a disagreement. (1366) *Jefferson's Manual, Section XLVI, pp. 176, 177*.

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree. (1321) *Jefferson's Manual, Section XLV, p. 175*.

In a case of prolonged disagreement new conferees were appointed at each conference. (1365) *1-34, Journal, pp. 1427, 1484, 1516, 1518, 1600, 1602, Globe, p. 2037*. But such is not the present practice. (1355) *2-55, Record, pp. 4041, 4056, 4060, 4062-4064*.

Respective duties of the House and Senate as to receding from disagreements over appropriation bills. (1365, footnote.) *1-54, Record, pp. 6379, 6417, 6422; 2-55, Record, pp. 6536-6544*.

A committee of conference having disagreed, a motion for a new conference is privileged; but steps may not be taken in this direction until the House is in possession of the papers. (1372) *1-52, Journal, p. 229, Record, p. 5369*.

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The President may convene both Houses or either of them, and in case of disagreement as to adjournment may adjourn them. (1486) *Constitution*, Article II, section 3, p. 17.

DISAPPROVAL.

Provisions of the Constitution relating to the approval and disapproval of bills by the President. (1466) *Article I*, section 7, p. 6.

DISCHARGE OF A COMMITTEE.

A motion to discharge a committee from the further consideration of a vetoed bill is always in order. (435) 1-49, *Journal*, p. 2397.

A resolution of inquiry not being reported back within one week, a motion to discharge the committee from the consideration of it presents a question of privilege. (426-430) 1-47, *Journal*, p. 1124, *Record*, p. 3275; 1-49, *Journal*, p. 1420, *Record*, p. 3929, 3930; 2-51, *Record*, pp. 2456, 2457; 1-52, *Journal*, pp. 107, 296, *Record*, pp. 2192, 6218.

At the expiration of a week a motion to discharge a committee from the consideration of a resolution of inquiry is privileged, although the resolution may have been delayed in reaching the committee. (431) 1-53, *Journal*, pp. 106, 107.

A motion to discharge the Committee of the Whole from the consideration of a measure which has not been concluded in committee is not in order. (731) 2-45, *Journal*, p. 619.

Under former Rule 104 it was decided that a motion to discharge the Committee of the Whole from the consideration of a measure which had been partly considered in that committee was not a privileged motion. (440) 2-45, *Journal*, p. 619, *Record*, p. 1601.

The Committee on Rules has jurisdiction to report a resolution for the consideration of a measure, even though the effect be to discharge a committee from a matter pending before it. (1542) 3-53, *Journal*, p. 104.

DISORDER.**Maintenance of order.**

The Constitution provides for the punishment and expulsion of Members for disorderly behavior. (91) *Constitution*, Article I, section 5, p. 5.

The Speaker may name any Member persisting in disorderly conduct. (1626) *Jefferson's Manual*, Section XVII, pp. 130, 131.

The Sergeant-at-Arms, under the direction of the Speaker or Chairman, maintains order in the House and Committee of the Whole. (1715) *Rule IV*, section 1.

The mace is the symbol of the Sergeant-at-Arms, and is borne by him while enforcing order. (1716) *Rule IV*, section 2.

DISORDER—Continued.**Maintenance of order**—Continued.

The President of the Senate preserves order during the counting of the electoral vote. (1766) *24 Stat. L.*, p. 374.

In debate.

If any Member, in speaking or otherwise, transgress the rules of the House, it is the duty of the Speaker and the privilege of any Member to call him to order, in which case he shall sit down, and the offense may be a subject of decision by the House. (871) *Rule XIV*, section 4.

Indecent language against the proceedings of the House, mentioning a Member by name, arraigning the motives of Members, and personalities generally are improper in debate. (898) *Jefferson's Manual*, Section XVII, p. 130.

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References in the nature of criticisms of the other body or comments upon it have been repressed with strictness. (908-912) *2-46, Record*, p. 1681; *1-48, Record*, p. 3976; *1-51, Record*, p. 10381; *1-54, Journal*, pp. 451-452, *Record*, pp. 4801, 4802; *1-55, Record*, p. 1393.

A Member called to order in debate must take his seat, although he may be permitted by the House to proceed in order or explain. (1636-1639) *2-51, Journal*, p. 174, *Record*, p. 1788; *1-52, Journal*, p. 87, *Record*, p. 1703; *2-53, Journal*, p. 137, *Record*, pp. 1879, 1880; *2-55, Record*, p. 3814.

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DISORDER—Continued.

In debate—Continued.

The Speaker having decided that words spoken are out of order the Member may be permitted to explain, and then it is in order to move that he be allowed to proceed. (903, 904) *1-52, Journal, p. 343; 2-53, Journal, p. 204, Record, p. 2450.*

Words spoken by a Member after he has been called to order may be excluded from the Record by direction of the Speaker. (1680, 1681, 1682) *1-38, Globe, p. 3390; 1-44, Record, p. 5697; 1-54, Record, p. 5802.*

If a paper read by a Member or by the Clerk contain matter not in order, a point of order may be made as if the words were spoken in debate. (1634) *1-49, Journal, p. 2547.*

In Committee of the Whole.

In forming a Committee of the Whole the Speaker leaves the chair after appointing a Chairman, who has power to cause the galleries or lobby to be cleared. (724) *Rule XXIII, section 1.*

The parliamentary law relating to disorder in Committee of the Whole. (1627) *Jefferson's Manual, Section XII, pp. 123, 124.*

Disorderly words spoken in Committee of the Whole are written down, but the committee can only report them to the House. (1627) *Jefferson's Manual, Section XVII, p. 132.*

A Committee of the Whole may not punish a breach of order on the floor or in the gallery, but must rise and report to the House. (1627) *Jefferson's Manual, Section XXX, p. 145.*

Disorder arising in Committee of the Whole, the Speaker may take the chair and restore order without formal rising of the committee. (1627, 1628-1631) *Jefferson's Manual, Section XII, pp. 123, 124; 2-25, Journal, p. 1013, Globe, p. 422; 1-26, Journal, p. 814, Globe, pp. 343, 394-396, 398; 1-28, Journal, p. 846, Globe, pp. 552, 577, 578, 604; 3-46, Journal, p. 114, Record, p. 311.*

A Member having defied or disregarded the authority of the Chairman of the Committee of the Whole, the committee has risen and reported to the House. (1632, 1633) *1-24, Journal, pp. 1209, 1225, Globe, p. 484; 1-55, Journal, p. 52, Record, pp. 433, 434.*

The Committee of the Whole having risen and reported disorderly language used by a Member, a resolution of censure was held to be in order without a prior decision by the Speaker that the remarks were in fact against order. (1635) *1-51, Journal, pp. 623-625, Record, pp. 4861, 4862, 4868, 4876.*

DISQUALIFICATIONS.

Qualifications of Members as to age, citizenship, and residence. *Constitution, Article I, section 2, p. 2.*

A person who, having taken the oath, afterwards engages in insurrection or rebellion, is disqualified as a Member; but the disability may be removed by a two-thirds vote. *Constitution, Article XIV, section 3, p. 31.*

DISQUALIFICATIONS—DIST. OF COLUMBIA. 389

DISQUALIFICATIONS—Continued.

Members-elect challenged at the organization of the House for alleged disqualifications have in several cases been sworn in, the question of their qualifications sometimes being referred to a committee for examination. 1-37, *Journal*, p. 12, *Globe*, pp. 6, 7, 13; 1-41, *Journal*, pp. 4, 5, 10, *Globe*, pp. 6, 10, 13; 1-42, *Globe*, pp. 7, 11; 1-43, *Record*, pp. 7, 8; 1-48, *Record*, p. 6.

A Member-elect being challenged for disqualification during the swearing in of Members-elect, the Speaker requested him to stand aside, and the House, after debate, voted to refer to a committee the question of the *prima facie* and final right to the seat. 1-56, *Record*, Dec. 4, 1899.

Members-elect presenting themselves to be sworn after the organization of the House have been denied the oath on the ground of alleged disqualifications. 1-40, *Globe*, pp. 468, 469, vol. 64, pp. 502, 503, 514, 699, 700, 774, 777, vol. 65, pp. 894, 909, vol. 69, *Appendix*, p. 145; 2-40, *Journal*, pp. 13, 31, 153, 167, 220, 342, 350, 562, 912, *Globe*, pp. 2072, 3331, 3337, 3340, 3368-3375.

DISQUALIFYING INTEREST.

Where the private interests of a Member are concerned in a bill or question, he is to withdraw; and in such case he is not required to vote. (8, 9) *Jefferson's Manual*, Section XVII, pp. 132, 133; *Rule VIII*, section 1.

A disqualifying interest is such as affects the Member individually as distinct from a class. It does not operate on questions incidental to the subject; and the Member himself is usually left to judge as to whether or not he is disqualified for voting. (1129-1131) 1-26, *Journal*, pp. 1283, 1300, *Globe*, p. 531; 1-43, *Journal*, pp. 771, 772, *Record*, pp. 3019, 3020; 2-44, *Record*, p. 2132.

DISTRIBUTION.

The method of referring and distributing the President's message. (1461-1462) 2-55, *Record*, p. 11; 1-54, *Record*, p. 26; 1-51, *Record*, p. 92; 1-52, *Record*, p. 20; 1-55, *Record*, p. 19; 1-51, *Record*, p. 188.

DISTRICT OF COLUMBIA.

Appropriations for, are within the jurisdiction of the Appropriations Committee. (612) *Rule XI*, section 3.

The second and fourth Mondays of each month are set apart for business presented by the Committee on the District of Columbia. (1442) *Rule XXVI*, section 3.

The question of consideration may not be raised against District of Columbia business as a class, but may be raised against the bills individually. (822, 823, 1444, 1445) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal*, p. 239, *Record*, p. 762.

Business unfinished on a District of Columbia day does not carry over on the next District day unless called up. (1444) *Record*, p. 425, *Record*, p. 6121.

ERRORS—Continued.

In a vote—Continued.

Where, by an error of the Clerk in reporting the yeas and nays, the Speaker announces a result different from that shown by the roll, the status of the question must be determined by the vote as actually recorded. (1183) 1-49, *Record*, pp. 7545, 7546.

A vote having been erroneously announced in such a way as to change the true result, subsequent proceedings in connection therewith fell, and the Journal was amended accordingly. (1184) 1-31, *Journal*, p. 1436, *Globe*, p. 782, 783.

When, through an erroneous announcement of the vote, the House is declared adjourned, and in fact disperses, the session, when it next meets, is a new legislative day. (1493) 2-49, *Record*, p. 314.

Proceedings of the House based upon the erroneous announcement of a vote have been treated as a nullity, and a motion to insert them in the Journal was ruled out of order. (234) 1-29, *Journal*, p. 1032, *Globe*, p. 1058.

After the Chair has declared the result of a vote by tellers, he may not order the vote taken again because of alleged irregularities. (1141) 1-29, *Globe*, p. 347.

The House having voted to approve the Journal of the preceding day, a resolution relating to an alleged error in a vote of that day was decided not to present a question of privilege. (197) 2-51, *Journal*, p. 283, *Record*, p. 3083.

ESTIMATES.

The rule governing the transmittal of estimates and other executive communications. (348) *Rule XLII*.

EULOGIES.

Printing and distribution of eulogies of deceased Members. (1749) *Revised Statutes*, section 3779; 28 *Stat. L.*, p. 616.

Form of memorial resolutions for deceased Members, 3-55, *Record*, p. 1760.

EVENING SESSIONS.

Each Friday at 5 p. m. the House takes a recess until 8 p. m., for an evening session, for consideration of private pension bills and bills removing charges of desertion and political disabilities. (1438) *Rule XXVI*, section 2.

Friday being taken by order of the House for business other than the regular order, the evening session was thereby vacated. (1439) 1-52, *Journal*, pp. 274-277, *Record*, p. 5919.

When the House adjourns before 5 p. m. Friday, the evening session is thereby vacated. (1440) 1-54, *Record*, p. 6174.

After the House has met after the recess, Friday evening, under the rule it is too late to make a point of order against taking up the business specified by the rule. (1441) 2-54, *Record*, p. 608.

400 EXCUSES—EXPULSION OF MEMBERS.

EXCUSES.

During a call of the House less than a quorum may excuse a Member from attendance. (316, 317) *2-52, Journal, p. 77, Record, p. 1259; 2-54, Record, p. 606.*

While the absentees are being called for excuses, a motion to excuse a Member from attendance, and an appeal, may not be debated. (334) *1-52, Journal, p. 342, Record, p. 6904.*

During a call of the House a motion to adjourn is in order pending the call of the roll for excuses. (335) *2-53, Journal, pp. 68, 69, Record, p. 512.*

During the call of the House motions to excuse Members may be made during the call of the roll for the presentation of excuses by absentees. (336) *2-53, Journal, pp. 326, 327, Record, p. 3703.*

Less than a quorum may not grant leave of absence to a Member. (304) *2-53, Journal, pp. 326, 327.*

After the roll has been called for excuses and the House has ordered the arrest of absent Members, motions to excuse Members are in order only as they are brought to the bar. (337) *1-54, Record, p. 2805.*

During a call of the House, under section 4 of Rule XV, motions to excuse Members are in order, and a motion to adjourn must be seconded by a majority. (294) *2-54, Journal, p. 175, Record, p. 1858.*

On a motion for a call of the House, a motion to excuse a Member from voting was held not in order, although the rule at that time permitted the motion. (306) *1-31, Journal, p. 1538, Globe, p. 1970.*

EXECUTIVE COMMUNICATIONS.

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Entitled to the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV.*

EXISTING LAW, CHANGE OF.

See "Appropriation bills."

EXPENDITURES IN THE VARIOUS DEPARTMENTS, COMMITTEES ON.

Their powers, duties, jurisdiction, number of members, and history. (650) *Rule XI, sections 42-52.*

EXPULSION OF MEMBERS.

Provision of the Constitution relating to the punishment and expulsion of Members. (91) *Constitution, Article I, section 5, p. 5.*

A Member threatened with expulsion and heard in his own defense may not depute another to appear for him, and is governed by the rules of debate. (30) *2-41, Journal, p. 373.*

EXPUNGE—FIVE-MINUTE DEBATE. 401

EXPUNGE.

Less than a quorum may not expunge anything from the Journal. (338) 2-52, *Journal*, p. 107, *Record*, p. 1994.

EXTRA SESSION.

An ordinary appropriation for session employees is not available at an extra session. (1708) *Decisions of First Comptroller (Bowler)*, 1893, 1894, p. 45.

FEES.

Statutes in relation to. (1761) *Revised Statutes*, sections 53, 71.

FILES OF THE HOUSE.

Except in certain cases no paper presented to the House shall be withdrawn from the files without leave of the House. (1752) *Rule XXXIX*.

When an act has passed for the settlement of a claim, the Clerk may transmit to officer charged with settlement the papers, or loan to Government officers papers relating to matters pending before them. (1752) *Rule XXXIX*.

No officer or employee of the House should produce papers of the House before a court without permission of the House. (1754) 1-46, *Journal*, p. 186.

At the time of final adjournment the clerks of committees are required to deliver to the Clerk of the House the papers of the committees. (1751) *Rule XXXVIII*, section 1.

FINES.

During a call penalties have been imposed which contemplated the future appearance at the bar of absent Members. (321) 2-27, *Journal*, p. 672.

FISHERIES.

Subjects relating to, belong to the jurisdiction of the Committee on the Merchant Marine and Fisheries. (618) *Rule XI*, section 9.

FIVE-MINUTE DEBATE.

Rule relating to, and its history. (913) *Rule XXIII*, section 5.

After general debate is closed by order of the House in Committee of the Whole, amendments are offered, debated, and amended under the five-minute rule, and an amendment once offered may be withdrawn only by unanimous consent. (913) *Rule XXIII*, section 5.

The Committee of the Whole may, after the five-minute debate has begun, close debate on the section, paragraph, or pending amendments; but this does not preclude further amendment. (914) *Rule XXIII*, section 6.

The right to limit debate on the pending section of a bill which is being considered in Committee of the Whole under the five-minute rule may be exercised by the House, as well as by the Committee of the Whole. (920) 1-53, *Journal*, p. 154.

Members may not yield time during the five-minute debate. (858, 859) 1-51, *Record*, p. 4662; 1-55, *Record*, p. 481.

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402 FIVE-MINUTE DEBATE—FLOOR OF HOUSE.

FIVE-MINUTE DEBATE—Continued.

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When a bill is read through for amendments under the five-minute rule, a substitute is properly in order after the reading is concluded. (1106) 2-53, *Journal*, p. 485, *Record*, pp. 7547, 7560.

When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered under the five-minute rule, the substitute may be moved to the first paragraph, accompanied by a notice that motions will be made to strike out the other paragraphs as they are reached. (1103) 2-46, *Record*, p. 3093.

During consideration of a bill by paragraphs in Committee of the Whole a substitute was offered before all the paragraphs had been read, and as no further amendments had been or were now proposed to the text of the bill, and as the substitute had been debated, it was held to be in order to vote on the substitute. (1105) 2-49, *Record*, p. 1059.

FIX THE DAY TO WHICH THE HOUSE SHALL ADJOURN.

See also "Adjournment."

This motion is not now in the list of privileged motions. (924) *Rule XVI*, section 4, 1-51, *House Report No. 23*.

A motion to suspend the rules is in order pending a motion to fix the day to which the House shall adjourn, even when the latter motion is highly privileged. (1603) 2-52, *Journal*, pp. 75, 76, *Record*, p. 1255.

FLOOR OF THE HOUSE.

The persons having the privileges of the floor of the House during its sessions. (1740) *Rule XXXVII*.

The Speaker may not entertain a request to suspend the rule relating to admission to the floor of the House. (1740) *Rule XXXIV*.

The Doorkeeper is required to enforce strictly the rules relating to the privileges of the Hall. (1718) *Rule V*, section 1.

The rule relating to admission to the privileges of the floor applies to the Committee of the Whole and its Chairman as well as to the House and the Speaker. (1744) 2-53, *Journal*, p. 90, *Record*, p. 840.

The Doorkeeper shall allow no one to enter the room over the Hall of the House during its sitting, and is charged with clearing the floor of persons not entitled to admission. (1720) *Rule V*, section 3.

An alleged violation of the rule relating to admission to the floor is a question of privilege. (129) 1-49, *Journal*, p. 781, *Record*, p. 1905.

A resolution relating to an alleged abuse of the privileges of the floor does not present a question of higher privilege than a contested-election case. (439) 1-48, *Record*, p. 4406.

The Speaker may allow to representatives of the news associations the privileges of the floor. (1742) *Rule XXXVI*, section 2.

FOLDING ROOM.

The Doorkeeper appoints the superintendent of the folding room.
(1721) *28 Stat. L.*, p. 612.

FOREIGN AFFAIRS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history.
(620) *Rule X, Rule XI, section 11.*

Committee has leave to report general appropriation bills at any time.
(398) *Rule XI, section 59.*

Subjects relating to the relations of the United States with other nations or peoples do not, therefore, involve questions of privilege.
(206-210) *2-53, Journal, pp. 50, 51, 520, 521, Record, pp. 468, 8003.*

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(1740) *Rule XXXIV.*

The Speaker assigns gallery accommodations to the President, members of the Cabinet, justices of the Supreme Court, foreign ministers, and persons admitted on the card of Members. (1741) *Rule XXXV.*

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A resolution recommending the recall of a foreign minister of the United States does not present a question of privilege. (202) *2-53, Journal, p. 203, Record, p. 2425.*

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Subjects relating to, belong to the jurisdiction of the Committee on Agriculture. (619) *Rule XI, section 10.*

FORMS.

The form of putting the previous question. (1045 footnote.)

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1-51, Journal, p. 485, Record, p. 3504; 2-31, Journal, p. 346, Globe, p. 679; 2-49, Record, p. 1059.

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FORMS—Continued.

For organization of the House. (2.)

Of resolutions to prepare for counting the electoral vote. (1767) 2-54, *Record*, p. 1462.

Of memorial resolutions for deceased members. 3-55, *Record*, p. 1760.

FORTHWITH, TERM AS USED IN INSTRUCTIONS.

A bill may be recommitted with instructions that it be reported "forthwith," and the report may be made at once by the chairman of the committee, and is not subject to the point that it must be considered in Committee of the Whole if it has previously been considered there. (1022) 2-51, *Journal*, pp. 312-321, *Record*, pp. 3505-3508.

FORTIFICATIONS.

Appropriations for, are within the jurisdiction of the Appropriations Committee. (612) *Rule XI*, section 3.

FRANKING PRIVILEGE.

Members, Members-elect, Delegates, and Delegates-elect may send free through the mails to any person, correspondence not exceeding 2 ounces in weight upon official or departmental business. Public documents, seeds, etc., may likewise be sent under certain restrictions. (1780) *Revised Statutes*, section 44; 26 *Stat. L.*, p. 1081; 28 *Stat. L.*, p. 622; 30 *Stat. L.*, pp. 443, 444; 18 *Stat. L.*, p. 343; 19 *Stat. L.*, p. 336; 20 *Stat. L.*, pp. 10, 362; *Supplement R. S.*, Vol. I, p. 135; 28 *Stat. L.*, p. 622.

FRIDAY.*Set apart for private business.*

Friday of each week is set apart for private business unless otherwise determined by the House. (1421) *Rule XXVI*, section 1.

Each Friday, after the unfinished business is disposed of, the motion to go into Committee of the Whole House to consider business on the Private Calendar is in order. (1422) *Rule XXIV*, section 6.

The House may by a majority vote lay aside private business on Friday. (1423-1425) 2-45, *Journal*, p. 286, *Record*, p. 570; 1-51, *Journal*, p. 288, *Record*, p. 1807; 2-55, *Record*, pp. 5761, 5762.

The motion to go into Committee of the Whole House to consider business on the Private Calendar being voted down may not be renewed, as the action is equivalent to dispensing with private business. (1427) 2-52, *Journal*, p. 17, *Record*, p. 72.

If the House negatives the motion to go into the Committee of the Whole House to consider the Private Calendar on Friday, it is in order to proceed with public business as on other days. (1422) *Rule XXIV*, section 6.

General appropriation bills have a highly privileged character, which continues at all stages, even on Fridays. (413) 1-51, *Journal*, p. 910, *Record*, p. 8027.

FRIDAY—Continued.**Set apart for private business**—Continued.

A motion to go into Committee of the Whole to consider general appropriation bills is in order Friday as on other days. (392) 1-51, *Journal*, p. 398, *Record*, p. 2747.

The motion to go into Committee of the Whole to consider general appropriation bills has precedence of a motion to go into Committee of the Whole on Fridays to consider the Private Calendar. (393, 394) 2-55, *Record*, pp. 1436, 6077, 6078.

The motion to go into Committee of the Whole House on the state of the Union to consider a bill other than a revenue or general appropriation bill is not privileged on Friday as against private business. (1426) 1-51, *Journal*, pp. 849, 850, *Record*, p. 7160.

A motion to go into Committee of the Whole House on the state of the Union to consider revenue bills has precedence on Friday. 3-55, *Record*, p. 266.

The unfinished business of a Friday, whether of a day or evening session, is in order before the motion to go into Committee of the Whole House. (369-373) 1-51, *Journal*, p. 344, *Record*, p. 2237; 2-52, *Journal*, p. 33, *Record*, p. 381; 1-54, *Journal*, p. 365, *Record*, p. 3536; 2-55, *Record*, pp. 1982, 2737.

The consideration of a motion to reconsider a public bill is not in order in the time of private bills. (1220) 1-54, *Record*, p. 5298.

A special order providing for the consideration of a bill from day to day until disposed of includes Fridays, unless exception of that day is specially made. (1295, 1296) 1-32, *Journal*, pp. 401, 433; 2-48, *Journal*, p. 136, *Record*, pp. 364, 365.

Two days having been assigned a committee generally for consideration of its business, it was held that they should be days on which public business would be in order. (1297) 1-51, *Journal*, p. 315, *Record*, p. 2012.

Evening session.

Each Friday at 5 p. m. the House takes a recess until 8 p. m. for an evening session for consideration of private pension bills and bills removing charges of desertion and political disabilities. (1438) *Rule XXVI, section 2*.

After the House has met after the recess Friday evening, under the rule it is too late to make a point of order against taking up the business specified by the rule. (1441) 2-54, *Record*, p. 603.

While a motion to suspend the rules was under debate the Speaker declined to declare the House in recess at 5 p. m. Friday. (1593) 1-52, *Journal*, pp. 274, 277, *Record*, p. 5919.

The House having at an evening session set apart for a certain class of business taken a recess until the following day, it was held that the session after the recess was not to be devoted to the same class of business. (1485) 2-48, *Journal*, pp. 536, 537, *Record*, p. 1669.

FORMS—Continued.

For organization of the House. (2.)

Of resolutions to prepare for counting the electoral vote. (1767) 2-54, *Record*, p. 1462.

Of memorial resolutions for deceased members. 3-55, *Record*, p. 1760.

FORTHWITH, TERM AS USED IN INSTRUCTIONS.

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FRIDAY—Continued.**Evening session—Continued.**

When the House adjourns before 5 p. m. Friday the evening session is thereby vacated. (1440) *1-54, Record, p. 6174.*

Friday being taken by order of the House for business other than the regular order, the evening session was thereby vacated. (1439) *1-52, Journal, pp. 274-277, Record, p. 5919.*

A private bill is in order for consideration at a Friday evening session, although it may previously have been made a special order by the House. (1298) *2-51, Journal, p. 280, Record, p. 3043.*

The House may at a Friday evening session make a bill a special order for a future day. (1293, 1294) *1-50, Record, p. 2514; 1-51, Journal, pp. 588, 589, Record, pp. 4168, 4246, 4382.*

Claims, bills, and reports.

The relations of the House with the Court of Claims. (1437) *22 Stat. L., p. 485; 24 Stat. L., p. 505.*

Under the present practice of the House reports from the Court of Claims under the Bowman Act do not remain on the Private Calendar from Congress to Congress. (1433-1436) *1-50, Record, pp. 110, 779, 7436, 7437; 1-51, Record, pp. 2159, 2239.*

A resolution sending a series of claims to the Court of Claims was held to be in order on the Private Calendar. (1432) *2-53, Record, pp. 5279, 5286.*

The distinction between public and private bills. (1428.)

A bill pensioning a battalion of volunteers has been held to be a private bill. (1431) *1-54, Record, p. 5598.*

A bill general in its enactments, though for the benefit of an individual or a corporation, is not a private bill. (1429) *2-44, Journal, p. 460, Record, p. 1641.*

FUNERAL.

Ceremonies at a state funeral. *3-55, Record, p. 679.*

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The Doorkeeper is charged with the custody of furniture, books, and other public property in the committee and other rooms, and must account to the House and to the Committee on Accounts. (1719) *Rule V, section 2.*

GALLERIES.

The Speaker preserves order in the galleries. (42) *Rule I, section 2.* Rigid enforcement of the rule relating to disturbance in the galleries. (43) *2-6, Annals, pp. 851, 887.*

In forming a Committee of the Whole the Speaker leaves the chair, after appointing a chairman, who has power to cause the galleries or lobby to be cleared. (724) *Rule XXIII, section 1.*

A Committee of the Whole may not punish a breach of order on the floor or in the gallery, but must rise and report to the House. (1627) *Jefferson's Manual, Section XXX, p. 145.*

GALLERIES—Continued.

The rule regulating admission to the galleries. (1741) *Rule XXXV*.

In times of great interest the House sometimes makes a special rule for admission to the galleries. (1745) *2-55, Record, pp. 3634, 3635*.

The Speaker assigns gallery accommodations to the President, members of the Cabinet, justices of the Supreme Court, foreign ministers, and persons admitted on the card of Members. (1741) *Rule XXXV*.

To the Members' gallery the Speaker issues one card to each Member, for his family and visitors, and in this gallery the Speaker controls one bench. (1741) *Rule XXXV*.

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GENERAL APPROPRIATION BILLS.

See also "Appropriation bills."

A general appropriation bill (excepting the deficiency) provides only for the next fiscal year, and expenditures in preceding years, whether for claims or other objects, if in order on any general appropriation bill, belong to the general deficiency. (586-593) *1-51, Record, pp. 6201, 6228, 6233; 2-54, Record, pp. 1258, 1263*.

Provisions for the payment of claims against the Government are admitted in the general deficiency appropriation bill under certain circumstances. (594-598) *2-54, Record, p. 2065; 1-51, Record, pp. 8177, 8301, 8304*.

The river and harbor bill is not a general appropriation bill. (461) *1-51, Record, pp. 5362, 5397; 3-46, Record, pp. 1618-1624; 2-48 Record, p. 1604-1612*.

The motion to go into Committee of the Whole to consider a general appropriation bill may not be amended by a nonprivileged proposition, and the previous question may not be demanded on it. *3-55, Record, pp. 1995, 1996*.

GENERAL DEBATE.

The rule for closing general debate in Committee of the Whole applies to messages of the President as well as bills, and may be applied to a particular portion of a message. (916) *1-32, Journal, pp. 146, 147*.

The motion to close general debate in Committee of the Whole is made pending the motion that the House resolve itself into committee, and, though not debatable, the previous question is sometimes asked to prevent attempts at amendment of the motion. (915) *2-54, Record, p. 2218*.

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The House having fixed the time when the general debate in Committee of the Whole shall cease, the committee may not extend it even by unanimous consent. (917, 918) *2-32, Globe, p. 784, 785; 2-55, Record, pp. 81, 95*.

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408 GENERAL DEBATE—HALL OF THE HOUSE.

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GERMANE AMENDMENTS.

Decisions discussing at length the quality of germaneness in amendments. (1071, 1073) 1-51, *Journal*, pp. 980, 981, *Record*, pp. 9097-9101; 2-55, *Record*, pp. 627, 638, 842.

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GOVERNORS OF STATES.

Entitled to the privileges of the floor of the House during its sessions. *Rule XXXII*.

GROUND, PUBLIC.

Subjects relating to are under jurisdiction of the Committee on Public Buildings and Grounds. (630) *Rule XI*, section 22.

GUAM.

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The Hall of the House is used only for the legislative business of the House, for caucus meetings of its Members, and for ceremonies in which the House votes to participate, and the Speaker may not entertain a motion to suspend the rule. (1739) *Rule XXXIII*.

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The Doorkeeper is required to enforce strictly the rules relating to the privileges of the Hall, and is responsible for the official conduct of his employees. (1718) *Rule I, section 1*.

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A resolution from the Committee on Ventilation and Acoustics relating to the comfort of Members in the Hall was presented as a question of privilege and received as such. (1738) 2-53, *Journal*, p. 421, *Record*, pp. 5924, 5989.

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HARBORS.

Subjects relating to, belong to the jurisdiction of the Committee on Rivers and Harbors. (617) *Rule XI, section 8*.

HATS.

May not be worn during the session of the House. (10) *Rule XIV, section 7*.

HEADS OF DEPARTMENTS.

Entitled to the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV*.

HOLIDAY RECESS.

See "Recess."

HORSES.

Contracts involving the employment of horses. (1735, footnote), 25 *Stat. L.*, p. 512.

HOURLY RULE.

The rule of recognition and the hour rule for debate; form and history. (62) *Rule XIV, section 2*.

No member may occupy more than one hour in debate in House or in Committee. (838) *Rule XIV, section 2*.

HOUSE.

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The removal of the desks from the Hall of the House. (1743) 2-36, *Journal*, pp. 581, 582, *Globe*, 1670; 1-36, *Journal*, p. 351, *Globe*, pp. 855, 856.

HARBORS.

Subjects relating to, belong to the jurisdiction of the Committee on Rivers and Harbors. (617) *Rule XI, section 8*.

HATS.

May not be worn during the session of the House. (10) *Rule XIV, section 7*.

HEADS OF DEPARTMENTS.

Entitled to the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV*.

HOLIDAY RECESS.

See "Recess."

HORSES.

Contracts involving the employment of horses. (1735, footnote), 25 *Stat. L.*, p. 512.

HOURLY RULE.

The rule of recognition and the hour rule for debate; form and history. (62) *Rule XIV, section 2*.

No member may occupy more than one hour in debate in House or in Committee. (838) *Rule XIV, section 2*.

HOUSE.

The persons having the privilege of the floor of the House during its sessions. (1740) *Rule XXXIV*.

HOUSE—Continued.

The Hall of the House is used only for the legislative business of the House, for caucus meetings of its Members, and for ceremonies in which the House votes to participate, and the Speaker may not entertain a motion to suspend the rule. (1739) *Rule XXXIII*.

The Speaker may not rule a bill out of order for the reason that the subject of it has been acted on in another way in another bill, the question being one for the House to determine. (462) 2-54, *Journal*, p. 155, *Record*, p. 1663.

The Constitution provides that all bills raising revenue shall originate in the House. (452) *Article I, section 7, p. 6*.

HOUSE AS IN COMMITTEE OF THE WHOLE.

Sometimes, by unanimous consent, the House considers business as in Committee of the Whole. (802) *Jefferson's Manual, Section XXV*, p. 145.

While the House is acting as in Committee of the Whole the previous question, the yeas and nays, and the motion to adjourn are admissible, and messages are received. (802) *Jefferson's Manual, Section XXX*, p. 145; 3-55, *Record*, p. 1654, *Journal*, p. 152.

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A bill being under consideration in the House as in Committee of the Whole, a motion to recommit was decided to be in order, although the reading by sections had not been entered upon. (806) 1-52, *Journal*, pp. 31, 32, *Record*, pp. 303, 432.

A bill being under consideration in the House as in Committee of the Whole, an amendment in the nature of a substitute is in order only after the consideration of the bill by sections has been completed. (807, 808) 2-53, *Journal*, pp. 350, 351, 484, 485, *Record*, pp. 4002, 7560.

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HOUSE CALENDAR.

The rule establishing the calendars for the reports of committees. (345) *Rule XIII, section 1*.

A bill must be actually on the House Calendar, and properly there also, in order to be considered in the morning hour. (378, 380) 2-54, *Record*, pp. 83, 903, 1686.

HOUSE RESTAURANT—IMPEACHMENTS. 411

HOUSE RESTAURANT.

The House restaurant was formerly under the supervision of the Committee on Public Buildings and Grounds. (1765) 1-41, *Journal*, p. 201.

HOUSES.

Neither House may exercise any authority over a Member or officer of the other. (907) *Jefferson's Manual*, Section XVII, p. 132.

Proceedings in the one may not be referred to in the other in debate.

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Neither House shall adjourn for more than three days or to another place without the consent of the other. (1486) *Constitution*, Article I, section 5.

HOUSE WING.

Statutes relating to the House wing of the Capitol. (1765) 4 *Stat. L.*, p. 266; 19 *Stat. L.*, p. 147; 1-41, *Journal*, p. 201; 21 *Stat. L.*, p. 388; 18 *Stat. L.*, p. 376; 20 *Stat. L.*, p. 391; *Revised Statutes*, section 1819.

ILLNESS.

Under certain conditions, such as illness, the Speaker may appoint the Speaker *pro tempore*; under others the House elects. (53) *Rule I*, section 7.

IMMIGRATION AND NATURALIZATION, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (648) *Rule X*, *Rule XI*, section 40.

IMPEACHMENTS.

General provisions relating thereto.

Provisions of the Constitution regarding impeachments. (1695) *Constitution*, Article I, section 2, 3, pp. 3, 4; Article II, section 4, p. 17.

The President, Vice-President, and all civil officers of the United States may be removed on impeachment for treason, bribery, or other high crimes or misdemeanors. (1695) *Constitution*, Article II, section 4, p. 17.

Parliamentary law relating to impeachments. *Jefferson's Manual*, Section LIII, pp. 188-192.

A proposition to impeach a civil officer of the United States is privileged. (144-148) 3-27, *Journal*, p. 159, *Globe*, p. 145; 2-39, *Journal*, p. 121, *Globe*, p. 320; 2-48, *Journal*, pp. 27, 28, *Record*, pp. 17-19; 1-54, *Journal*, p. 37, *Record*, p. 115.

No member on the floor having preferred articles of impeachment against a civil officer, a resolution to investigate is not privileged. (148) 1-48, *Journal*, p. 495, *Record*, p. 871.

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412 IMPEACHMENTS—IMPRISONMENT.

IMPEACHMENTS—Continued.

General provisions relating thereto—Continued.

An impeachment having been begun in the preceding Congress, a resolution for reviving the proceedings was held to be privileged. (684) 1-46, *Journal*, pp. 442, 443, *Record*, pp. 1774, 1775.

A report on the subject of an impeachment being laid on the table, the right to move an impeachment in the same case is not thereby precluded. (958) 2-40, *Globe*, p. 65.

In discussing a proposition to impeach the President, a wide latitude was allowed a Member in preferring charges. (906) 2-39, *Journal*, p. 163, *Globe* p. 444.

The managers of impeachments, except in later cases, have been elected by ballot. (1696-1702) 2-5, *Journal*, p. 153, *Annals*, Vol. I, p. 952; 2-8, *Journal*, pp. 44, 45; 1-21, *Journal*, p. 591; 2-37, *Journal*, pp. 712, 717; 2-40, *Journal*, p. 450; 1-44, *Record*, p. 1426.

In 1804, and in later instances, the House has attended impeachments as a Committee of the Whole. (1698) 2-8, *Journal*, p. 118, *Annals*, p. 1174; *Jefferson's Manual*, Section LIII, p. 191.

Trials of.

William Blount, a Senator of the United States. (1696) 1-5, *Journal*, p. 76, *et seq.*

John Pickering, a United States district judge. (1697) *Journal*, 7 and 8 *Congresses* (*Gales & Seaton*), p. 322 *et seq.*

Samuel Chase, an associate justice of the Supreme Court of the United States. (1698) 1-8, *Journal*, p. 516, *et seq.*

James H. Peck, district judge of the United States. (1699) 1-21, *Journal*, p. 454, *et seq.*

West H. Humphreys, United States district judge. (1700) 2-37, *Journal*, p. 150, *et seq.*

Andrew Johnson, President of the United States. (1701) 2-39, *Journal*, pp. 121, 124, *et seq.*; 2-40, *Journal*, p. 385, *et seq.*

William W. Belknap, late Secretary of War. (1702) 1-44, *Record*, p. 414, *et seq.*

IMPRISONMENT.

An attempt having been made in 1795 to bribe its members, the House vindicated its privileges by immediate arrest, trial, and imprisonment of the offender. (155) 1-4, *Journal*, pp. 389, 407.

In the case of *Anderson v. Dunn* the Supreme Court affirmed the right of the House to punish for contempts. (160) 6, *Wheaton*, 204.

A Member absent by leave of the House and on his return thither being assaulted, the assailant was arrested and imprisoned for a term extending beyond the adjournment of the session. (169) 2-41, *Journal*, pp. 1199, 1200, *Record*, pp. 4317, 4325, 4352, 5253.

Of Joseph L. Chester as a contumacious witness. (171) 3-34, *Journal*, p. 241, *Globe*, p. 356.

Case of Wolcott, a contumacious witness. (172) 1-35, *Journal*, p. 821, *Globe*, pp. 684, 715, 1240.

IMPRISONMENT—Continued.

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INAUGURATION.

The inauguration of the President. (1769) 1-45, *Senate Journal*, March 5, 1877; 3-46, *Record*, March 4, 1881; 2-50, *Record*, February 28, 1889; *Record*, pp. 2720, 2721; 2-54, *Record*, p. 2648.

A resolution relating to the inaugural ceremonies does not present a question of privilege. (193) 2-48, *Record*, p. 2301.

INDECENT LANGUAGE.

Indecent language against the proceedings of the House, mentioning a Member by name, arraigning the motives of Members, and personalities generally are improper in debate. (898) *Jefferson's Manual*, Section XVII, p. 130.

INDEX.

Preparation of. (1781) 18 *Stat. L.*, p. 401; 24 *Stat. L.*, p. 346; 25 *Stat. L.*, p. 709; 26 *Stat. L.*, p. 231.

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At the expiration of a week a motion to discharge a committee from the consideration of a resolution of inquiry is privileged, although the resolution may have been delayed in reaching the committee. (431) 1-53, *Journal*, pp. 106, 107.

Resolutions of inquiry addressed to the heads of Executive Departments only are privileged, and then not until reported or one week from presentation. (432) 2-51, *Journal*, p. 188, *Record*, p. 1874.

A resolution of inquiry loses its privileged character if matter not privileged be contained therein. (433) 2-55, *Record*, pp. 3908, 3909.

Joint resolutions are not required for calling for information from Executive Departments. 3-55, *Record*, pp. 1438, 1452, 1453.

INQUIRY, PARLIAMENTARY.

An appeal may not be taken from the response to a parliamentary inquiry. (1677) 2-55, *Record*, pp. 3379-3383.

INSERT, MOTION TO.

The parliamentary law relating to the motions to strike out and insert. (1047) *Jefferson's Manual*, Section XXXI, p. 158.

A motion to strike out and insert certain words being decided affirmatively, thereby precludes another motion to strike out the words inserted and insert others. (1047) *Jefferson's Manual*, Section XXXI, p. 159.

Certain words having been inserted in a paragraph, it is in order to move to strike out a portion of the paragraph which includes those words, providing the proposition involved be new; and in place of the portion stricken out in this way new matter may be inserted. (1047) *Jefferson's Manual*, Section XXXI, p. 159.

A motion to strike out and insert certain words being defeated does not preclude a motion to strike out and insert certain other words, or prevent the simple motion to strike out. (1047) *Jefferson's Manual*, Section XXXI, pp. 158, 159.

When it is proposed to amend by inserting a paragraph, it should be perfected before the question is put on inserting, as afterwards it may not be amended. (1047) *Jefferson's Manual*, Section XXXI, p. 158.

Words once inserted may not be changed or stricken out, but words relating to the same subject may be added to another portion of the paragraph. (1048) 1-19, *Journal*, p. 794; *Debates*, p. 1261.

The motion to strike out and insert is not divisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert. (1044) *Rule XVI*, section 7.

On a motion to strike out a resolution and insert several connected resolutions, the question is not divisible. (1133) 1-31, *Globe*, p. 1310.

INSERT, MOTION TO—INSTRUCTIONS. 415

INSERT, MOTION TO—Continued.

The Senate having amended by striking out, the House may concur with an amendment inserting. (1365) 1-34, *Journal*, pp. 1427, 1484; *Globe*, p. 2037.

INSIST.

The parliamentary law governing the precedence and effects of the motions to agree, disagree, recede, insist, and adhere. (1322) *Jefferson's Manual*, Section XXXVIII, p. 164.

The regular progression for disagreeing, insisting, and adhering in amendments between the Houses. (1321) *Jefferson's Manual*, Section XLV, p. 174.

Conditions governing, receding, and insisting (with or without amendments) in cases arising over amendments between the Houses. (1321) *Jefferson's Manual*, Section XLV, p. 174.

The motions to insist and ask a conference have precedence of the motion to instruct conferees. (1376-1379) 1-49, *Record*, pp. 7404, 7405; 1-49, *Record*, p. 7598; 2-54, *Record*, pp. 1321, 1322, 1334; 2-54, *Record*, pp. 1940, 1945.

The amending House may insist at once upon its amendment and ask for a conference. (1370) 2-42, *Journal*, pp. 1077, 1100, 1103, *Globe*, p. 4428.

A motion to recede and concur in a Senate amendment with an amendment takes precedence of a motion to further insist on the House's disagreement to the Senate amendment. (1348) 1-55, *Record*, pp. 2641, 2642.

A motion to recede and concur is in order even after the previous question has been demanded on a motion to insist. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062, 4064.

The motion to insist has precedence of the motion to adhere. (1365) 2-34, *Journal*, pp. 1600-1601.

Where one House has voted at once to adhere the other may insist and ask a conference; but the motion to recede has precedence. (1364) 1-23, *Journal*, p. 229, *Debates*, pp. 2493, 2494, 2498.

INSTRUCTIONS.

General provisions.

A motion to commit may be amended, as by adding, for example, "with instructions to inquire," etc. (1010, 1045) 1-47, *Record*, p. 6475, *Journal*, p. 1724; *Jefferson's Manual*, Section XXXIII, p. 153.

It is not in order to move to commit with instructions a matter which is committed for the first time. (1541) 2-49, *Record*, pp. 1784, 1785.

A division of the question is not in order on a motion to commit with instructions or on the different branches of the instructions. (1134-1136) 1-17, *Journal*, p. 507; 1-31, *Journal*, pp. 1395-1397, *Globe*, p. 1756; 1-32, *Journal*, p. 611, *Globe*, p. 1124.

It is not in order to amend a pending privileged proposition by adding instructions to a committee on a matter not privileged and not germane to the original proposition. (1078) 1-48, *Journal*, p. 389.

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At the expiration of a week a motion to discharge a committee from the consideration of a resolution of inquiry is privileged, although the resolution may have been delayed in reaching the committee. (431) 1-53, *Journal*, pp. 106, 107.

Resolutions of inquiry addressed to the heads of Executive Departments only are privileged, and then not until reported or one week from presentation. (432) 2-51, *Journal*, p. 188, *Record*, p. 1874.

A resolution of inquiry loses its privileged character if matter not privileged be contained therein. (433) 2-55, *Record*, pp. 3908, 3909.

Joint resolutions are not required for calling for information from Executive Departments. 3-55, *Record*, pp. 1438, 1452, 1453.

INQUIRY, PARLIAMENTARY.

An appeal may not be taken from the response to a parliamentary inquiry. (1677) 2-55, *Record*, pp. 3379-3383.

INSERT, MOTION TO.

The parliamentary law relating to the motions to strike out and insert. (1047) *Jefferson's Manual*, Section XXXI, p. 158.

A motion to strike out and insert certain words being decided affirmatively, thereby precludes another motion to strike out the words inserted and insert others. (1047) *Jefferson's Manual*, Section XXXI, p. 159.

Certain words having been inserted in a paragraph, it is in order to move to strike out a portion of the paragraph which includes those words, providing the proposition involved be new; and in place of the portion stricken out in this way new matter may be inserted. (1047) *Jefferson's Manual*, Section XXXI, p. 159.

A motion to strike out and insert certain words being defeated does not preclude a motion to strike out and insert certain other words, or prevent the simple motion to strike out. (1047) *Jefferson's Manual*, Section XXXI, pp. 158, 159.

When it is proposed to amend by inserting a paragraph, it should be perfected before the question is put on inserting, as afterwards it may not be amended. (1047) *Jefferson's Manual*, Section XXXI, p. 158.

Words once inserted may not be changed or stricken out, but words relating to the same subject may be added to another portion of the paragraph. (1048) 1-19, *Journal*, p. 794; *Debates*, p. 1261.

The motion to strike out and insert is not divisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert. (1044) *Rule XVI*, section 7.

On a motion to strike out a resolution and insert several connected resolutions, the question is not divisible. (1133) 1-31, *Globe*, p. 1210.

INSERT, MOTION TO—INSTRUCTIONS. 415

INSERT, MOTION TO—Continued.

The Senate having amended by striking out, the House may concur with an amendment inserting. (1365) 1-34, *Journal*, pp. 1427, 1484; *Globe*, p. 2037.

INSIST.

The parliamentary law governing the precedence and effects of the motions to agree, disagree, recede, insist, and adhere. (1322) *Jefferson's Manual*, Section XXXVIII, p. 164.

The regular progression for disagreeing, insisting, and adhering in amendments between the Houses. (1321) *Jefferson's Manual*, Section XLV, p. 174.

Conditions governing, receding, and insisting (with or without amendments) in cases arising over amendments between the Houses. (1321) *Jefferson's Manual*, Section XLV, p. 174.

The motions to insist and ask a conference have precedence of the motion to instruct conferees. (1376-1379) 1-49, *Record*, pp. 7404, 7405; 1-49, *Record*, p. 7698; 2-54, *Record*, pp. 1321, 1322, 1334; 2-54, *Record*, pp. 1940, 1945.

The amending House may insist at once upon its amendment and ask for a conference. (1370) 2-42, *Journal*, pp. 1077, 1100, 1103, *Globe*, p. 4428.

A motion to recede and concur in a Senate amendment with an amendment takes precedence of a motion to further insist on the House's disagreement to the Senate amendment. (1348) 1-55, *Record*, pp. 2641, 2642.

A motion to recede and concur is in order even after the previous question has been demanded on a motion to insist. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062, 4064.

The motion to insist has precedence of the motion to adhere. (1365) 2-34, *Journal*, pp. 1600-1601.

Where one House has voted at once to adhere the other may insist and ask a conference; but the motion to recede has precedence. (1364) 1-23, *Journal*, p. 229, *Debates*, pp. 2493, 2494, 2498.

INSTRUCTIONS.

General provisions.

A motion to commit may be amended, as by adding, for example, "with instructions to inquire," etc. (1010, 1045) 1-47, *Record*, p. 6475, *Journal*, p. 1724; *Jefferson's Manual*, Section XXXIII, p. 153.

It is not in order to move to commit with instructions a matter which is committed for the first time. (1541) 2-49, *Record*, pp. 1784, 1785.

A division of the question is not in order on a motion to commit with instructions or on the different branches of the instructions. (1134-1136) 1-17, *Journal*, p. 507; 1-31, *Journal*, pp. 1395-1397, *Globe*, p. 1756; 1-32, *Journal*, p. 611, *Globe*, p. 1124.

It is not in order to amend a pending privileged proposition by adding instructions to a committee on a matter not privileged and not germane to the original proposition. (1078) 1-48, *Journal*, p. 389.

INSTRUCTIONS—Continued.**General provisions**—Continued.

A resolution to commit, which creates a select committee, may at the same time, as part of the instructions to the committee, give to it the power to send for persons and papers. (1020) 2-44, *Journal*, p. 297, *Record*, p. 926.

The question as to the extent of debate allowable on a motion to commit. (1042).

Recommittal with instructions.

It is not in order to do indirectly through a motion to recommit with instructions what it would not be in order to do directly by way of amendment. (1024, 1029, 1031-1039) 1-48, *Journal*, p. 1247, *Record*, pp. 4256, 4257; 1-55, *Record*, p. 939; 2-55, *Record*, p. 811; 1-49, *Journal*, pp. 702, 703, 2363, *Record*, pp. 1619, 1620, 7613; 1-48, *Journal*, p. 761; 2-53, *Journal*, pp. 256-258, 350, 351, *Record*, pp. 3155, 4011; 1-51, *Journal*, pp. 984, 985, *Record*, p. 9105; 1-52, *Journal*, pp. 86, 87, *Record*, p. 1698.

It is not in order to move to recommit a bill with instructions to the committee to report an amendment which is not germane. (1023-1031) 1-48, *Journal*, pp. 703, 1247, *Record*, pp. 4256, 4257; 2-35, *Journal*, p. 389, *Globe*, pp. 1007, 1009; 2-53, *Journal*, pp. 446, 453, *Record*, pp. 6739, 6908; 2-51, *Journal*, p. 165, *Record*, p. 1638; 1-55, *Record*, pp. 939, 1187; 2-55, *Record*, p. 811.

It is not in order to move to recommit with instructions to report an amendment which would be a change of existing law. (1039, 1040) 2-52, *Journal*, pp. 96, 436, *Record*, pp. 1754, 6433, 6434.

It is in order to move to recommit with instructions to strike out one of several propositions that have been inserted by an amendment agreed to by the House. (1041) 3-53, *Journal*, pp. 156-158, *Record*, p. 2729.

It is not in order to recommit a bill with instructions to report as an amendment matter which has just been stricken out by a vote of the House. (1035) 1-49, *Journal*, p. 2363, *Record*, p. 7613.

On a motion to recommit with instructions, the instructions may not authorize the committee to report at any time, as such would be a change of the rules. (1020, 1021) 2-44, *Journal*, p. 297, *Record*, p. 926; 2-47, *Journal*, p. 229, *Record*, pp. 1147, 1148.

On a motion to recommit with instructions it is in order to direct the committee as to when they shall report back the bill. (700, 701) 2-51, *Journal*, pp. 312-321, *Record*, pp. 3505-3508.

A bill recommitted with instructions to report forthwith may be reported immediately by the chairman without formal action of the committee. (702) 2-51, *Journal*, pp. 312-321, *Record*, pp. 3505-3508.

A bill may be recommitted with instructions that it be reported back "forthwith," and this report may be made at once by the chairman of the committee, and is not subject to the point that it must be considered in Committee of the Whole if it has previously been considered there. (1022) 2-51, *Journal*, pp. 312-321, *Record*, p. 3505-3508.

INSTRUCTIONS—Continued.**Recommittal with instructions—Continued.**

The Committee of the Whole having decided between two propositions and the House having agreed to the amendment embodying that decision, it was held to be in order in the House to move to recommend with instructions that in effect brought the two propositions to the decision of the House. 3-55, *Record*, pp. 2255, 2257.

To conferees.

It is in order to instruct conferees; and the resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed. (1376-1379) 1-49, *Record*, pp. 7404, 7505, 7598; 2-54, *Record*, pp. 1321, 1322, 1334, 1940, 1945.

The motion to instruct conferees is amendable. (1390) 1-51, *Journal*, p. 735, *Record*, p. 5981.

The House having asked for a free conference, it is not in order to instruct the conferees. (1381) 2-51, *Journal*, p. 358, *Record*, pp. 3747, 3768, 3771.

It is not the practice of the House to instruct conferees in the first instance. (1380) 2-51, *Journal*, p. 333, *Record*, pp. 3610, 3611.

It is questionable whether a Committee of the Whole may recommend instructions to conferees. (751) 1-55, *Record*, pp. 833, 840.

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It is not in order to give such instructions to conferees as would require changes in the text to which both Houses have agreed. (1380) 2-51, *Journal*, p. 333, *Record*, pp. 3610, 3611.

A conference report may be received although it may be in violation of instructions given to the conferees. (1382) 1-49, *Journal*, p. 2459, *Record*, p. 7826

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The Committee on Insular Affairs has jurisdiction of all subjects (excepting those affecting the revenue and appropriations) relating to Cuba, Puerto Rico, Guam, and the Philippines. *Rule XI, section 18*.

INSULTING.

The Speaker may withhold such private bills, petitions, and memorials as in his judgment are of an obscene or insulting character. (448) *Rule XXII, section 1*.

INTEREST, DISQUALIFYING.

Where the private interests of a Member are concerned in a bill or question, he is to withdraw; and in such case he is not required to vote. (8, 9) *Jefferson's Manual, Section XVII, p. 132; Rule VIII, section 1*.

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A disqualifying interest is such as affects the Member individually, as distinct from a class. It does not operate on questions incidental to the subject, and the Member himself is usually left to judge as to whether or not he is disqualified for voting. (1129-1131) *1-26, Journal*, pp. 1283, 1300, *Globe*, p. 531; *1-43, Journal*, pp. 771, 772, *Record*, pp. 3019, 3020; *2-44, Record*, p. 2132.

INTERSTATE AND FOREIGN COMMERCE COMMITTEE.

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A decision of the Chair on a question of order having been made, a motion to adjourn may be repeated. (1500) *2-53, Journal*, pp. 330, 331, *Record*, p. 3715.

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Committee has leave to report at any time on certain measures. (398) *Rule XI, section 59.*

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The Doorkeeper's inventory of furniture, etc., is reported to the House at the beginning and close of each session and referred to the Committee on Accounts for examination, etc. (1719) *Rule V, section 2.*

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A resolution directing the investigation of certain expenditures of the Government is not privileged. (194) *1-49, Journal*, pp. 514, 515, *Record*, pp. 1027, 1028.

No Member on the floor having preferred articles of impeachment against a civil officer, a resolution to investigate is not privileged. (148) *1-48, Journal*, p. 495, *Record*, p. 871.

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INVESTIGATIONS—JOINT RESOLUTIONS. 419

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A resolution directing a committee to make an investigation goes to the Committee on Rules. 3-55, *Record*, pp. 310, 353.

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Three in number. *Rule XI*, sections 55-57.

The point being made that the House alone might not recommit with instructions to a joint committee created by act of Congress, the Speaker held that it was for the House, and not the Chair, to decide upon the effect of their action. (1002) 1-32, *Journal*, p. 611.

The Senate portion of the Joint Committee on the Library has authority in recess. (1762) 22 *Stat. L.*, p. 592.

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The forms of enacting and resolving clauses of bills and joint resolutions are prescribed by statute. (455) *Revised Statutes*, sections 7 and 8.

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420 JOINT RESOLUTIONS—JOURNAL.

JOINT RESOLUTIONS—Continued.

A motion to recommit a bill with instructions to bring the same subject-matter back in the form of a joint resolution is in order. (1012) 1-49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695.

The Clerk certifies the passage of all bills and joint resolutions. (1712) *Rule III, section 3.*

JOURNAL.

General provisions.

The Constitution requires that the House shall keep a Journal of its proceedings, and from time to time publish the same. (214) *Constitution, Article I, section 5, p. 5.*

The Journal is the official record of the proceedings of the House. (236) 2-48, *Journal*, p. 554.

It is not in order to place on the Journal indirectly what the House has refused to place there directly. (230) 3-37, *Journal*, pp. 122, 123, *Globe*, p. 165.

The statutes provide that extracts from the Journal shall be admitted as evidence in the United States courts. (215) *Revised Statutes, section 895.*

A charge by a Member that the Journal of the House has been mutilated by the Speaker was made a question of privilege. (130) 1-31, *Journal*, p. 713.

Less than a quorum may not expunge anything from the Journal. (338) 2-52, *Journal*, p. 107, *Record*, p. 1994.

An entry in a Journal of a preceding Congress has been rescinded by order of the House. (927, footnote) 2-43, *Journal*, p. 618, *Record*, p. 2084; 1-44, *Record*, p. 2887.

Bound copies of the Journal are distributed from the document room. (1748) 28 *Stat. L.*, p. 609.

Matters entered in.

The Clerk notes decisions on questions of order in the Journal and publishes and distributes it. (1712) *Rule III, section 3.*

There is no rule requiring that the text of a bill which has been read in the House shall be printed in either the Journal or the Record. (1683, 1684, 1685) 2-43, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025; 1-53, *Journal*, p. 125; 1-54, *Record*, p. 47.

A Speaker, having been accused of a corrupt bargain by a Member, appealed to the House and the appeal was spread upon the Journal. (149) 2-18, *Debates*, pp. 440-523.

To become a law a vetoed bill must receive on reconsideration a two-thirds vote, the yeas and nays of which must be entered on the Journal. (1466) *Constitution, Article I, section 7, p. 6.*

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JOURNAL—Continued.**Matters entered in—Continued.**

Messages from the Senate and President giving notice of bills passed or approved are entered on the Journal and published in the Record. (1448) *Rule XLI*.

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A motion shall be reduced to writing on the demand of any Member, and shall be entered on the Journal with the name of the Member making it, unless withdrawn on the same day. (922) *Rule XVI, section 1*.

When a bill, resolution, or memorial is introduced "by request," the words are entered on the Journal and Record. (451) *Rule XXII, section 4*.

The reference of public bills, memorials, and resolutions is entered on the Journal and Record. (450) *Rule XXII, section 3*.

Petitions, memorials, and private bills are referred by Members and delivered to the Clerk, who enters them on the Journal and furnishes a transcript for the Record. (448) *Rule XXII, section 1*.

Personal explanations of Members are not usually entered on the Journal. (237) *2-53, Journal, p. 435*.

Proceedings of the House based upon the erroneous announcement of a vote have been treated as a nullity, and a motion to insert them in the Journal was ruled out of order. (234) *1-29, Journal, p. 1032, Globe, p. 1058*.

Reading of.

Duties of the Speaker regarding the opening of the session and the reading of the Journal. (41) *Rule I, section 1*.

The reading of the Journal must be in full when demanded by a Member. (219, 220) *1-51, Journal, p. 994, Record, p. 9230; 2-51, Journal, p. 174, Record, p. 1785*.

A conference report, though highly privileged, is not in order during the reading of the Journal. (1391) *Rule XXIX*.

The reading of the Journal being interrupted by an assault, it was concluded after the offender had been taken into custody by order of the House. (165) *1-24, Journal, pp. 983, 985, 1021, Globe, pp. 436, 437, 450*.

Question as to its reading and preparation on death of the Clerk. (127) *1-31, Journal, p. 789*.

The Journal of the last day of a session is never read or approved. (216, footnote) *2-44, Journal, pp. 18-22, Record, pp. 13, 14*.

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420 JOINT RESOLUTIONS—JOURNAL.

JOINT RESOLUTIONS—Continued.

A motion to recommit a bill with instructions to bring the same subject-matter back in the form of a joint resolution is in order. (1012) 1-49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695.

The Clerk certifies the passage of all bills and joint resolutions. (1712) *Rule III, section 3.*

JOURNAL.

General provisions.

The Constitution requires that the House shall keep a Journal of its proceedings, and from time to time publish the same. (214) *Constitution, Article I, section 5, p. 5.*

The Journal is the official record of the proceedings of the House. (236) 2-48, *Journal*, p. 554.

It is not in order to place on the Journal indirectly what the House has refused to place there directly. (230) 3-37, *Journal*, pp. 122, 123, *Globe*, p. 165.

The statutes provide that extracts from the Journal shall be admitted as evidence in the United States courts. (215) *Revised Statutes, section 895.*

A charge by a Member that the Journal of the House has been mutilated by the Speaker was made a question of privilege. (130) 1-31, *Journal*, p. 713.

Less than a quorum may not expunge anything from the Journal. (338) 2-52, *Journal*, p. 107, *Record*, p. 1994.

An entry in a Journal of a preceding Congress has been rescinded by order of the House. (927, footnote) 2-43, *Journal*, p. 618, *Record*, p. 2084; 1-44, *Record*, p. 2887.

Bound copies of the Journal are distributed from the document room. (1748) 28 *Stat. L.*, p. 609.

Matters entered in.

The Clerk notes decisions on questions of order in the Journal and publishes and distributes it. (1712) *Rule III, section 3.*

There is no rule requiring that the text of a bill which has been read in the House shall be printed in either the Journal or the Record. (1683, 1684, 1685) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025; 1-53, *Journal*, p. 125; 1-54, *Record*, p. 47.

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JOURNAL—Continued.*Business before reading of.*

It has generally been held that no business may be transacted before the reading and approval of the Journal. (221-225) 1-34, *Journal*, p. 1253, *Globe*, p. 1710; 2-50, *Record*, pp. 676, 677; 1-52, *Journal*, p. 91, *Record*, p. 1825; 2-52, *Journal*, p. 98, *Record*, p. 1863; 2-53, *Journal*, pp. 308, 309.

A call of the House is in order before the reading of the Journal. (221) 1-34, *Journal*, p. 1253, *Globe*, p. 1710.

A motion for a recess is not in order before the Journal has been read. (222) 2-50, *Record*, pp. 676, 677. See, however (224), 2-52, *Journal*, p. 98, *Record*, p. 1863.

It has been decided that a report from the Committee on Rules is in order before the reading and approval of the Journal. (223) 1-52, *Journal*, p. 91, *Record*, p. 1825.

It has been ruled that the consideration of a special order may proceed before the approval of the Journal. (225) 2-53, *Journal*, pp. 308, 309.

Correction and amendment of.

In amending the Journal the House may decide as to what are proceedings, even to the extent of omitting things actually done, or of recording things not done. (232) 1-29, *Journal*, p. 1047.

A House bill with Senate amendment having been properly referred from the Speaker's table, it was decided, nevertheless, to be in order from the House to consider an amendment to the Journal striking out the record of such reference. (352-354) 1-51, *Journal*, p. 758, *Record*, p. 6281; 1-51, *Journal*, p. 767, *Record*, pp. 6314, 6353; 1-51, *Journal*, pp. 770-772, *Record*, pp. 6354-6364.

A proposed expression of opinion as to a decision of the Chair is not in order as an amendment to the Journal. (231) 1-51, *Journal*, p. 148, *Record*, p. 1540.

A proposed amendment to the Journal being laid on the table, the Journal does not accompany the amendment. (235) 1-26, *Journal*, p. 28, *Globe*, pp. 46, 47.

The motion to commit provided for in section 1 of Rule XVII may be applied to a motion to amend the Journal. (1001) 2-46, *Record*, pp. 1814, 1815.

When a Member's vote is incorrectly recorded, it is his right on the next day, while the Journal is before the House for approval, to have the proper correction made. (1179) 2-30, *Journal*, p. 211, *Globe*, p. 172.

A Member may not have the record of his vote changed in the Journal upon the statement that he voted upon a misapprehension of the question, and a motion relating thereto is not privileged. (1180) 1-31, *Journal*, p. 1266, *Globe*, p. 1577; 3-55, *Record*, p. 270.

A vote having been erroneously announced in such a way as to change the true result, subsequent proceedings in connection therewith fail, and the Journal is amended accordingly. (1184) 1-31, *Journal*, p. 1436, *Globe*, pp. 782, 783.

JOURNAL—Continued.

Approval of.

The Journal may not be approved until a quorum has appeared. (217, 218) 2-27, *Journal*, p. 678, *Globe*, p. 405; 1-50, *Journal*, p. 2945, *Record*, p. 9607.

The examination and approval of the Journal by the Speaker, according to Rule I, section 1, is a preliminary examination, and the Journal must still be approved by the House. (218) 1-50, *Journal*, p. 2945, *Record*, p. 9607.

A motion to approve the Journal being made, and the previous question having been demanded, had precedence over the motion to amend the Journal. (226) 1-55, *Journal*, p. 115, *Record*, pp. 1803, 1892.

A legislative day having expired without the approval of the Journal of the preceding day, on the succeeding day the House determined the order in which it would approve the two Journals. (227) 2-46, *Journal*, pp. 842-877, *Record*, pp. 1833, 1839.

Journals of more than one session remaining unapproved, they are taken up for approval in chronological order, although the opposite ruling has once been made. (228, 229) 2-63, *Journal*, p. 334, 337, 338, *Record*, pp. 3757, 3793.

Protests.

Cases where the question of entering a protest upon the Journal has been considered. (192) 2-45, *Record*, pp. 2717, 2738, 2742, 2753; 3-37, *Journal*, pp. 122, 123, *Globe*, p. 165; 1-26, *Journal*, p. 28, *Globe*, pp. 46, 47; 1-24, *Journal*, p. 318, *Globe*, p. 158.

The demand that a protest against certain parliamentary practices of the House be placed upon the Journal does not present a question of privilege. (191) 2-33, *Journal*, p. 451, *Globe*, p. 930.

Protests are not entered on the Journal unless by vote of the House. (230 and footnote) 3-37, *Journal*, pp. 122, 123, *Globe*, p. 165; 1-26, *Journal*, p. 28, *Globe*, pp. 46, 47; 1-24, *Journal*, p. 318, *Globe*, p. 158.

JUDGES OF THE SUPREME COURT.

Entitled to the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV*.

Have gallery accommodations assigned by the Speaker. (1741) *Rule XXXV*.

JUDICIARY COMMITTEE.

Its powers, duties, jurisdiction, number of members, and history. (613) *Rule X*, *Rule XI*, section 4.

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Subjects relative to, are under the jurisdiction of the Committee on the Judiciary. (613) *Rule XI*, section 4.

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JUDGMENTS.

Reports of judgments of the Court of Claims are transmitted to Congress at the first of every December session. (1437) *Revised Statutes, section 1057.*

JURISDICTION OF COMMITTEES.

The jurisdiction of the various committees of the House. (610-656) *Rule XI, sections 1-57.*

It has generally, though not always, been held that a committee may not report a bill whereof the subject-matter has not been referred to them by the House. (661-665) *1-31, Journal, p. 590; 1-45, Journal, p. 159, Record, p. 256; 1-48, Journal, p. 1108; 1-51, Journal, p. 967, Record, p. 8772; 1-53, Journal, pp. 96-98.*

In determining the jurisdiction of the several committees reporting appropriation bills, the practices governing the composition of those bills in the past are given much weight. *2-50, Record, p. 1005.*

A petition properly referred to a committee gives jurisdiction for reporting a bill. (666) *1-32, Journal, p. 935.*

Reference of a public bill or resolution to a committee of the House confers jurisdiction of it upon that committee. (670) *1-51, Journal, p. 87, Record, p. 376.*

The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it. (667, 668) *1-53, Journal, p. 147; 2-54, Record, pp. 725, 726.*

The erroneous reference of a petition or private bill does not confer jurisdiction on the committee receiving the same. (449) *Rule XXII, section 2.*

The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration, either in the House or in Committee of the Whole. (675-681) *1-53, Journal, p. 118; 3-53, Journal, pp. 70, 71; 2-55, Record, p. 2496; 2-55, Record, p. 2483; 3-53, Journal, p. 15; 1-53, Journal, p. 138; 2-53, Journal, p. 492.*

A public bill having been reported by a committee and referred to the Committee of the Whole for consideration, a point of order may not be raised in Committee of the Whole as to the jurisdiction of the committee making the report. (669) *1-51, Record, pp. 2041, 2046.*

When a bill embraces subjects belonging to the jurisdiction of several committees, the main object of the bill may be taken as the test to show to which committee it should go. (678) *2-55, Record, p. 2483.*

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A bill to create a commission to determine damages done to citizens was held not to provide for the payment or adjudication of a claim against the Government, and hence not to be effected by the prohibition of section 3 of Rule XXI. (682) *2-53, Journal, p. 493, Record, p. 7661.*

JURISDICTION OF COMMITTEES—Continued.

The House may authorize a committee to consider, in the course of an investigation, testimony taken before a committee of a previous Congress. (684) 1-46, *Journal*, pp. 442, 443, *Record*, pp. 1774, 1775.

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A resolution directing a committee to make an investigation goes to the Committee on Rules. 3-55, *Record*, pp. 310, 353.

Appropriations for the staff of employees in the Office of Commissioner of Indian Affairs belong to the legislative appropriation bill. 3-55, *Record*, pp. 281, 282.

The Committee on Insular Affairs has jurisdiction of all subjects (excepting those affecting the revenue and appropriations) relating to Cuba, Puerto Rico, Guam, and the Philippines. *Rule XI, section 18*.

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The Appropriations Committee may report appropriations for improvements of rivers and harbors that have been authorized by law and placed under contract, (674) 2-52, *Record*, pp. 1023, 1065.

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Bills for the payment or adjudication of private claims against the Government may go only to certain specified committees. (660) *Rule XXI, section 3*.

Points of order being reserved, paragraphs including matters of which the Rivers and Harbors Committee has no jurisdiction, such as canals, may be ruled out in Committee of the Whole. (1644, 1645) 1-48, *Record*, p. 5014; 2-48, *Record*, pp. 1677, 1927, 2097.

It is the duty of the Committee on Accounts to inquire into and report violations of the rule forbidding officers or employees to be claim agents. (1703) *Rule XLIII*.

LABOR, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (634) *Rule X, Rule XI, section 26*.

LABOR.

The Clerk makes or approves all contracts, bargains, or agreements relative to labor for the House. (1712) *Rule III, section 3*.

LAND CLAIMS.

Subjects relating thereto belong to the jurisdiction of the Committee on Private Land Claims. (641) *Rule XI, section 33*.

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LAND CLAIMS.

Subjects relating thereto belong to the jurisdiction of the Committee on Private Land Claims. (641) *Rule XI, section 33.*

LANGUAGE.

Indecent language against the proceedings of the House, mentioning a Member by name, arraigning the motives of Members, and personalities generally are improper in debate. (898) *Jefferson's Manual, Section XVII, p. 130.*

LAW.

It is the duty of the Speaker to take notice of a mandatory provision of law. (88) 2-44, *Journal, p. 604, Record, p. 2054.*

LAW, CHANGE OF EXISTING.

See "Appropriation bills."

The "rider" rule for preventing legislation on appropriation bills. (485) *Rule XXI, section 2.*

It is not in order to move to recommit with instructions to report an amendment which would be a change of existing law. (1039, 1040) 2-52, *Journal, p. 96, Record, p. 1754.*

Interpretations of the rule prohibiting legislation on general appropriation bills. (530-580) See "Appropriation bills."

LAW, CIVIL AND CRIMINAL.

Subjects relating to, are under the jurisdiction of the Committee on the Judiciary. (613) *Rule XI, section 4.*

LAW LIBRARY.

Law library is kept open while the House is in session. (1762, footnote) 25 *Stat. L., p. 262.*

LAWS.

Printing of the laws for Members. (1785) *Revised Statutes, sections 3805, 3807, 3808; 18 Stat. L., p. 401.*

LAWS, REVISION AND CODIFICATION OF.

Subjects relating to, belong to the jurisdiction of the Committee on Revision of the Laws. (643) *Rule XI, section 35.*

LAY ON THE TABLE, MOTION TO.*General provisions.*

The motion to lay on the table as in use in the House of Representatives. (946, footnote.)

A motion which the House has decided not to lay on the table may not be withdrawn, since the House has indicated a purpose to proceed with it. (931) 2-46, *Journal, p. 842, Record, pp. 1807, 1808.*

It has been held, although not uniformly, that the motion to lay on the table may be made before the Member in charge has begun his remarks. (77, 78) 1-52, *Journal, p. 290, Record, pp. 6126, 6127; 1-55, Record, pp. 744, 823, 824, Journal, p. 73.*

The motion to lay an appeal on the table may be entertained under general parliamentary law before the adoption of rules. (954) 1-51, *Journal, p. 144, Record, p. 749.*

There is a question as to whether or not the recommendation of the Committee of the Whole that a bill do lie on the table may be accepted in the House as a motion to lay the bill on the table. (755) 2-54, *Record, p. 1069.*

LAW ON THE TABLE, MOTION TO—Continued.*Precedence of the motion to.*

It is a privileged motion, not debatable, and has a precedence determined by rule. (924) *Rule XVI, section 4.*

Under the earlier practice of the House the motion to lay on the table was admitted after the previous question had been ordered, but later decisions have reversed the practice. (949-952) *1-28, Journal, p. 490, Globe, p. 332; 1-30, Journal, p. 175, Globe, p. 93; 2-45, Journal, p. 1090, Record, pp. 3438, 3521-3523; 2-53, Journal, pp. 139, 140, Record, p. 1969; 3-55, Record, p. 1662.*

In Committee of the Whole a motion to report a bill with the recommendation that it lie on the table has precedence of the recommendation that it be postponed to a day certain or be recommitted to a standing committee. (747) *2-55, Record, pp. 3923, 3924.*

Effect of.

A proposed amendment to the Journal being laid on the table, the Journal does not accompany the amendment. (235) *1-26, Journal, p. 28, Globe, pp. 46, 47.*

An appeal may be laid on the table, but does not carry with it the whole subject. (947) *1-26, Journal, pp. 529-530.*

It is in order to lay upon the table Senate amendments to a House bill, and the bill in such a case goes to the table with the amendments. (953) *1-33, Journal, p. 1250, Globe, p. 2071.*

A bill being laid on the table, it was held that a motion to print and all other motions connected therewith went with the bill. (948) *2-32, Journal, p. 195, Globe, p. 426.*

A report on the subject of an impeachment being laid on the table, the right to move an impeachment in the same case is not thereby precluded. (958) *2-40, Globe, p. 65.*

When not admissible.

When the motion to lay a bill on the table has been negatived, and no change or alteration has been made in the bill or no proceeding touching its merits has taken place, the motion may not be repeated. (957) *2-27, Journal, p. 890, Globe, p. 564.*

The House has formally discarded the old practice of allowing conference reports to be laid on the table. (1407-1409) *1-30, Journal, p. 1283, Globe, p. 1080; 2-42, Journal, p. 1129, Globe, p. 4460; 1-44, Journal, p. 1423.*

It is not in order, according to the later practice, to lay on the table a motion to suspend the rules. (1581, 1582) *1-29, Journal, p. 363, Globe, p. 343; 2-35, Journal, p. 510, Globe, pp. 1418, 1419.*

A motion relating to the order of business may not be laid upon the table. (956) *1-45, Journal, p. 1221, Record, pp. 4094-4098.*

A motion for the previous question may not be laid on the table. (955) *2-29, Journal, p. 252, Globe, p. 982.*

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428 LAY ON THE TABLE—LEGISLATION.

LAY ON THE TABLE, MOTION TO—Continued.

When not admissible—Continued.

A bill being reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out, the question of concurrence is debatable in the House, and the motion to lay on the table is not in order. (939, 940) *1-43, Journal, p. 629, Record, p. 2342; 2-53, Journal, pp. 21, 22, Record, pp. 120, 121.*

The previous question having been ordered and a motion to recommit having been made pending the vote on the passage, it was held that a motion to lay on the table the motion to recommit was not in order. (1000) *1-52, Journal, pp. 154, 155, Record, p. 3540.*

Relations to motion to reconsider.

A motion to reconsider a vote laying a motion to reconsider on the table is not in order. (1231, 1232) *3-27, Journal, pp. 310, 328, 334, Globe, p. 256; 1-33, Journal, p. 357, Globe, p. 397.*

It is not in order to move to reconsider the vote whereby an appeal from a decision of the Chair is laid on the table. (1231, footnote) *1-33, Journal, pp. 735, 762.*

A negative vote on a motion to lay on the table may be reconsidered. (1233, 1234) *2-32, Journal, p. 234; 1-52, Journal, pp. 113-115; Record, p. 2550.*

The vote whereby the House refuses to lay a bill on the table having been once reconsidered, a second motion to reconsider such vote is not in order. (1234) *1-52, Journal, pp. 113-115, Record, p. 2550.*

The question as to whether or not an affirmative vote on the motion to lay on the table may be reconsidered. (1231, footnote) *1-33, Journal, pp. 735, 762; 1-35, Journal, pp. 1118, 1136, Globe, pp. 3026, 3030, 3045; 2-54, Record, p. 1947; 2-55, Record, p. 2448.*

Less than a quorum being sufficient to dispense with proceedings under a call, the same vote is sufficient on reconsideration and on a motion to table the motion to reconsider. (319) *2-43, Journal, p. 548, Record, p. 1731.*

It has been decided that during a call of the House the motion to reconsider might be entertained and might be laid on the table, although there was no quorum. (318) *2-52, Journal, p. 77, Record, p. 1259.*

LEAVE TO PRINT.

See "Congressional Record."

LEGISLATION.

The rule provides that all proposed legislation shall be referred to the committees in accordance with the jurisdiction which the rules define for them. (610) *Rule XI, section 1.*

LEGISLATION ON APPROPRIATION BILLS.

See "Appropriation bills."

The "rider" rule for preventing legislation on appropriation bills. (485) *Rule XXI, section 2.*

LEGISLATION ON APPROPRIATION BILLS—Continued.

The House may, upon a report by the Committee on Rules, authorize on an appropriation bill legislation which would otherwise be subject to the point of order. (580) 2-52, *Record*, pp. 1302, 1306.

LEGISLATIVE DAY.

There must be an adjournment before the legislative day will terminate, and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House. (1505) 1-33, *Journal*, pp. 804, 811, *Globe*, p. 1177.

When, through an erroneous announcement of the vote, the House is declared adjourned, and in fact disperses, the session when it next meets is a new legislative day. (1493) 2-49, *Record*, p. 314.

An adjournment does not necessarily take place at 12 p. m. Saturday, it being for the House to decide whether or not it will continue in session on Sunday. (1503, 1504) 1-24, *Journal*, pp. 577-582, *Globe*, p. 265; 2-44, *Record*, p. 2242.

A session of the House extending, by failure to adjourn, through the next calendar day, a special order for the latter day falls, as the session is of the legislative and not the calendar day. (1271) 1-50, *Journal*, pp. 1491, 1505, 1506, *Record*, pp. 2749, 2755.

The legislative day of March 3, the final session of a Congress, is held to terminate at 12 m. on March 4, unless a motion is made and carried for an adjournment previous to that hour. (1521, 1522) 2-31, *Globe*, pp. 784, 918-920; 3-46, *Record*, p. 2456.

LEGISLATIVE EXPENSES.

Appropriations for, are within the jurisdiction of the Appropriations Committee. (612) *Rule XI*, section 3.

LEVEES AND IMPROVEMENTS OF THE MISSISSIPPI RIVER, COMMITTEE ON.

Its powers, duties, jurisdiction, number of Members, and history. (632) *Rule X*, *Rule XI*, section 24.

LIABILITY.

Bills releasing liability to the United States or referring any claim to the Court of Claims must be considered in Committee of the Whole. (764) *Rule XXIII*, section 3.

LIBRARIAN OF CONGRESS.

Entitled to the privileges of the floor of the House during its session. (1740) *Rule XXXIV*.

LIBRARY, COMMITTEE ON.

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The Senate portion of the Joint Committee on the Library has authority in recess. (1762) 22 *Stat. L.*, p. 592.

LIBRARY.

Statutes relating to the Library of Congress. (1762) *Revised Statutes*, sections 80-88, 93, 94, 25 *Stat. L.*, p. 262; 26 *Stat. L.*, p. 678; 28 *Stat. L.*, p. 577; 18 *Stat. L.*, p. 512; 29 *Stat. L.*, pp. 544-546; 22 *Stat. L.*, p. 592.

428 LAY ON THE TABLE—LEGISLATION.

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LIBRARY—Continued.

The House Library. (1764.)

Law library is kept open while the House is in session. (1762, footnote) *25 Stat. L., p. 262.*

LIFE-SAVING SERVICE.

Subjects relating to, belong to the jurisdiction of the Committee on Interstate and Foreign Commerce. (616) *Rule XI, section 7.*

LIGHT-HOUSES.

Subjects relating to, belong to the jurisdiction of the Committee on Interstate and Foreign Commerce. (616) *Rule XI, section 7.*

The establishment of a light-house, and even the building of a new vessel for a light-house tender, have been ruled not to be in continuation of a public work. (498, 499) *1-49, Record, pp. 5976, 5977, 5979.*

LIMITATIONS ON APPROPRIATIONS.

See "Appropriation bills."

Construction of the rule prohibiting legislation on appropriation bills. (507-530.)

LIQUOR TRAFFIC.

Subjects relating to, belong to the jurisdiction of the Committee on Alcoholic Liquor Traffic. (646) *Rule XI, section 38.*

LOBBY.

The Speaker preserves order on the floor and in galleries and lobby. (42) *Rule I, section 2.*

In case of disorder, the Chairman of the Committee of the Whole has power to cause the lobby to be cleared. (724) *Rule XXIII, section 1.*

LOSS OF A BILL.

Procedure in case of the loss of the engrossed copy of a bill. (475) *2-54, Record, p. 406.*

A Senate bill having been lost in the House, a resolution requesting a duplicate copy from the Senate was presented as privileged. (482) *1-54, Record, p. 2236.*

MACE.

The mace is the symbol of the Sergeant-at-Arms, and is borne by him while enforcing order. (1716) *Rule IV, section 2.*

The mace is taken down when the Committee of the Whole sits. (759, footnote.)

In attending the Speaker and the House to the Senate the Sergeant-at-Arms does not carry the mace. (1775.)

MAILS.

The Postmaster superintends the post-office in the Capitol and is responsible for the delivery of the mail of Members. (1725) *Rule VI.*

The Postmaster having died, it was held that contracts for carrying the mails must be made by the clerk, and not by the Assistant Postmaster. (1726) *Decisions Comptroller of the Treasury (Bowler), Vol. I, p. 496.*

MAIL SERVICE—MEETING OF CONGRESS. 431

MAIL SERVICE.

The continuation of special facilities for mail service on trunk lines of railroad has been held to be such public work or object as would justify provision on an appropriation bill. (500, 501) 2-52, *Record*, pp. 1807, 1813; 1-54, *Record*, p. 2664.

New propositions to appropriate for "necessary and special facilities" for transporting the mails on railroads are subject to the point of order that they involve change of existing law. (565, 566) 2-46, *Record*, pp. 3023, 3024; 2-54, *Record*, pp. 1782, 1783.

MAJORITY.

Where the House is equally divided the question is lost. (1123) *Jefferson's Manual*, Section *XLI*, p. 170.

On a vote by ballots, if a majority be not obtained on the first ballot, the voting continues until the majority is obtained. (1125) *Rule XI*.

MANAGERS OF IMPEACHMENTS.

The managers of impeachments, except in the later cases, have been elected by ballot. (1696-1702) 2-5, *Journal*, p. 153, *Annals*, Vol. I, p. 952; 2-8, *Journal*, pp. 44, 45; 1-21, *Journal*, p. 591; 2-37, *Journal*, pp. 713-717; 2-40, *Journal*, p. 450; 1-44, *Record*, p. 1426.

MANAGERS OF SOLDIERS' HOME.

Elected by joint resolution of Congress. (1784) *Revised Statutes*, Section 4826.

MANUFACTURES, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (628) *Rule X*, *Rule XI*, section 20.

MEASURES.

Subjects relating to, belong to the jurisdiction of the Committee on Coinage, Weights, and Measures. (615) *Rule XI*, section 6.

MEETINGS OF COMMITTEES.

Although committees meet when and where they please (except that they may not sit during sessions of the House without leave), they can only agree to a report acting together. (601) *Jefferson's Manual*, Section *XXVI*, p. 139.

MEETING OF CONGRESS.

General provisions.

The Constitution provides that Congress shall meet on the first Monday in December of every year, and that the President may on extraordinary occasions convene both or either of the Houses. (1) *Constitution*, Article I, section 4, Article II, section 3, pp. 5, 17.

The President may convene both Houses or either of them, and in case of disagreement as to adjournment may adjourn them. (1486) *Constitution*, Article II, section 3, p. 17.

Organization of the House.

The assembling of the House, and the forms and ceremonies of organization. (1-6.) See also, *Oath*.

PRIVILEGE—Continued.*Duels, assaults, affrays, etc.*—Continued.

The assault upon the private secretary of the President in the Capitol in 1828. (161) 1-20, *Debates*, p. 2715.

It being doubtful whether or not an assault on a Member had been for words spoken in debate, no action was taken. (164) 2-23, *Journal*, pp. 485, 489, 518, *Globe*, p. 314.

What are not cases of.

A resolution recommending the recall of a foreign minister of the United States does not present a question of privilege. (202) 2-53, *Journal*, p. 203, *Record*, p. 2425.

Subjects relating to the relations of the United States with other nations or peoples do not therefore involve questions of privilege. (206-210) 2-53, *Journal*, pp. 50, 51, 520, 521, *Record*, pp. 468, 8003; 1-55, *Record*, pp. 1305, 1386, 1459; 2-55, *Record*, p. 3381.

A proposition to investigate alleged unnecessary violence of policemen toward citizens on the Capitol grounds was ruled not to present a question of privilege. (205) 2-53, *Journal*, p. 369, *Record*, p. 4335.

A charge that a committee had been inactive in regard to a measure committed to it was decided not to constitute a question of privilege. (211) 2-53, *Journal*, p. 552, *Record*, p. 8339.

The charge that a committee has reported a bill containing items of appropriation not in order under the rules does not present a question of privilege. (212) 2-54, *Record*, p. 2100.

A newspaper article vaguely charging Members of Congress generally with corruption may not be brought before the House as involving a question of privilege. (184) 1-51, *Journal*, p. 908, *Record*, p. 7976. But charges more specific have been considered as involving privilege. (101) 2-51, *Journal*, p. 120, *Record*, pp. 1196-1200.

A newspaper publication stating that a certain Member will unite with others in opposition to a matter coming up in the House at a future time does not present a question of personal privilege. (190) 1-55, *Record*, p. 747.

A difference as to matters of fact involves no question of privilege. (187) 2-53, *Journal*, p. 244.

A deduction from the salaries of Members, under section 40 of the Revised Statutes, does not involve a question of privilege. (189) 2-53, *Journal*, pp. 358, 359.

The demand that a protest against certain parliamentary practices of the House be placed upon the Journal does not present a question of privilege. (191) 2-33, *Journal*, p. 451, *Globe*, p. 930.

A protest against the passage of a bill under suspension of the rules was decided by the House not to present a question of privilege. The Speaker ruled that the paper must be read before the question of privilege could be passed upon. (192) 2-45, *Record*, pp. 2717, 2738, 2742, 2753.

526 PRIVILEGE—PRIVILEGED MOTIONS.

PRIVILEGE—Continued.

What are not cases of—Continued.

A resolution relating to the inaugural ceremonies does not present a question of privilege. (193) 2-48, *Record*, p. 2301.

A resolution directing the investigation of certain expenditures of the Government is not privileged. (194) 1-49, *Journal*, pp. 514, 515, *Record*, pp. 1027, 1028.

There having been no unreasonable delay in transmitting an enrolled bill to the President, a resolution relating thereto was decided not to present a question of privilege. (195) 1-50, *Journal*, p. 2809, *Record*, p. 8787.

The Speaker having decided that a motion is out of order under the rules of the House, a resolution condemning such decision does not present a question of privilege. (196) 2-51, *Journal*, p. 187, *Record*, p. 1872.

The Speaker having submitted the question to the House, it decided that no question of privilege was involved in a general charge that Members of Congress had made corrupt propositions to the Executive. (137) 3-27, *Journal*, p. 46, *Globe*, pp. 47, 48.

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The House having voted to approve the Journal of the preceding day, a resolution relating to an alleged error in a vote of that day was decided not to present a question of privilege. (197) 2-51, *Journal*, p. 283, *Record*, p. 3083.

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A resolution to investigate the failure of the Post-Office Department to remove a postmaster who had attempted to influence a Member corruptly was decided not to present a question of privilege. (200) 1-43, *Journal*, p. 109.

PRIVILEGED MOTIONS.

See also *Order of business*.

The motions allowed when a question is under debate and their precedence. (924) *Rule XVI*, section 4.

The motion to go into Committee of the Whole House on the state of the Union to consider a bill other than a revenue or general appropriation bill is not privileged on Friday as against private business. (1426) 1-51, *Journal*, pp. 849, 850, *Record*, p. 7160.

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PRIVILEGED MOTIONS—Continued.

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A Senate amendment requiring consideration in Committee of the Whole is referred from the Speaker's table to a standing committee, and the request for a conference gives no privilege. (351) *2-50, Journal, p. 348, Record, pp. 1216-1220.*

Pending a report from the Committee on Rules one motion to adjourn is in order, and thereafter no other dilatory motion, even of the highest privilege, is in order. (1544, 1546) *1-52, Journal, p. 126, Record, p. 2837; 2-53, Journal, pp. 520, 521, Record, p. 8009.*

The motion for a recess is not in order when a question is before the House. (1481) *2-51, Journal, p. 346.*

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PRIVILEGES OF THE FLOOR.

The persons having the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV.*

The Speaker may not entertain a request to suspend the rule relating to admission to the floor of the House. (1740) *Rule XXXIV.*

The Speaker may allow to the representatives of the news associations the privileges of the floor. (1742) *Rule XXXVI, section 2.*

The Doorkeeper is required to enforce strictly the rules relating to the privileges of the Hall, and is responsible for the official conduct of his employees. (1718) *Rule V, section 1.*

PRIVILEGED QUESTIONS.

Matter not privileged not allowable with privileged matter.

The including of matter not privileged destroys the privileged character of a bill. (405-407) *1-54, Record, p. 1294; 1-50, Record, p. 2195; 2-50; Record, pp. 47, 48.*

A resolution of inquiry loses its privileged character if matter not privileged be contained therein. (433) *2-55, Record, pp. 3908, 3909.*

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A conference report is always in order, except when the Journal is being read, when the roll is being called, or when the House is dividing; and a statement must accompany each report. (1391) *Rule XXIX.*

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PRIVILEGED QUESTIONS—Continued.**Conference reports—Continued.**

Conferees having reported their inability to agree, a resolution insisting on the House's disagreement to the Senate amendments and asking a further conference was held to be privileged. (1356) 1-52, *Journal*, p. 230, *Record*, p. 5371.

Before the stage of disagreement has been reached the request of the other House for a conference gives the bill no privilege over other business of the House. (1374, 1375) 1-49, *Record*, pp. 7331, 7332; 2-54, *Record*, pp. 833, 834.

Resolutions of inquiry.

Resolutions of inquiry addressed to the heads of the Executive Departments only are privileged, and then not until reported or one week from presentation. (432) 2-51, *Journal*, p. 188, *Record*, p. 1874.

A resolution of inquiry may be reported at any time within a week and is privileged for consideration when reported. (430) 1-52, *Journal*, p. 296, *Record*, p. 6218.

At the expiration of a week a motion to discharge a committee from the consideration of a resolution of inquiry is privileged, although the resolution may have been delayed in reaching the committee. (431) 1-53, *Journal*, pp. 106, 107.

Loss, return, etc., of bills.

A bill having been sent from the House to the Senate by error, a resolution to recall it was decided to be privileged. (481) 3-53, *Record*, p. 2093.

A Senate bill having been lost in the House, a resolution requesting a duplicate copy from the Senate was presented as privileged. (482) 1-54, *Record*, p. 2236.

Requests of the Senate for the return of a bill are treated as privileged in the House. (483, 484) 1-54, *Record*, pp. 5126, 6110.

Reports of committees.

The rule establishing certain privileged reports which may be made from certain committees at any time. (398) *Rule XI, section 59*.

The right to report at any time carries with it the right to have the matter reported considered. (399, 400) 1-32, *Journal*, pp. 195, 1009, *Globe*, pp. 253, 2065.

The right to report at any time carries with it the right that the bill so reported shall remain privileged until disposed of. (401) 1-49, *Journal*, p. 2360, *Record*, p. 7602.

A bill which may be reported at any time has the same privilege in regard to consideration in Committee of the Whole. (402) 2-53, *Journal*, p. 145.

A question of privilege does not lose its privilege through any informality in the method of reporting it from a committee. (423) 3-53, *Journal*, pp. 50, 51, *Record*, p. 471.

PRIVILEGED QUESTIONS—Continued.

Reports of committees—Continued.

The report of a special committee appointed "to examine and report" on a certain subject is not privileged for consideration. (424) 2-54, *Record*, p. 2211.

Bills from a committee having leave to report at any time must be reported in open House and not by filing them with the Clerk. (422) 1-51, *Journal*, p. 392, *Record*, p. 2713.

The right to report at any time a bill raising revenue belongs only to the Ways and Means Committee. (404) 1-49, *Record*, pp. 7331, 7332.

In exercising the right to report at any time committees may not include matters not specified by the rule as within the privilege. (405-407) 1-54, *Record*, p. 1294; 1-50, *Record*, p. 2195; 2-50, *Record*, pp. 47, 48.

A privileged report is not in order on a day set apart by special order for another class of business. (1280) 1-52, *Journal*, p. 239, *Record*, pp. 5573, 5574.

The right of the Committee on Appropriations to report at any time is confined strictly to the general appropriation bills. (409-412) 2-44, *Journal*, p. 394, *Record*, p. 1320; 1-52, *Journal*, p. 348; *Record*, p. 6966; 2-55, *Record*, pp. 1589, 4500.

The privilege of the Committee on Accounts extends to resolutions making expenditures from the contingent fund of the House. 3-55, *Record*, p. 2761.

The privilege of the Committee on Printing is confined to printing for the use of the two Houses, and the presence of matter not privileged destroys the privileged character of the report. (419, 420) 1-52, *Journal*, p. 292, *Record*, p. 6166; 1-53, *Journal*, p. 80.

Liberal construction of the rule so far as it relates to the privilege of the Committee on the Public Lands. (417) 1-54, *Record*, p. 1763.

The passage of a general bill on a certain subject does not exhaust the privilege of a committee on that subject. (416) 2-51, *Journal*, p. 255, *Record*, p. 2799.

The practice of the Committee on Rules reporting in part at different times was sanctioned by the decision that a committee having leave to report at all times may report in part at different times. (1538) 1-27, *Journal*, p. 204.

The rule provides that resolutions of inquiry shall be reported back within one week. (425) *Rule XXII*, section 5.

A bill having been recommitted to a committee, with leave to report at any time, and being immediately reported by the chairman is subject to the point of order that the committee have not considered it. (699) 2-50, *Journal*, p. 536, *Record*, p. 2028.

At the end of sixty minutes the morning hour may be interrupted by a privileged report. (382) 1-51, *Journal*, p. 969, *Record*, p. 8819.

PRIVILEGED QUESTIONS—Continued.**Conference reports—Continued.**

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530 PRIVILEGED QUESTIONS—PROTESTS.

PRIVILEGED QUESTIONS—Continued.

Special orders.

A special order does not lose its privilege because called up at a later hour than that specified by its terms. (1269) *1-51, Journal, p. 1078, Record, p. 10392.*

When a bill has been made a special order for a certain day its consideration takes precedence on such day over privileged reports. (1264) *1-49, Record, p. 7276.*

A special order fixing a day for particular business is a change of rules and may be reported at any time as a privileged question by the Committee on Rules. (1539) *1-49, Journal, p. 2171, Record, pp. 6759-6760.*

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General appropriation bills have a highly privileged character which continues at all stages, even on Fridays. (413) *1-51, Journal, p. 910, Record, p. 8027.*

A bill making an apportionment of Representatives presents a privileged question. (1774) *2-51, Journal, p. 59, Record, p. 530.*

Measures involving constitutional privilege have been held to be privileged. (143, 144, 210, 1774) *2-44, Journal, pp. 555, 556, Record, p. 1980; 2-51, Journal, p. 59, Record, p. 530; 3-27, Journal, p. 159, Globe, p. 145; 2-55, Record, p. 3381.*

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A Member may not have the record of his vote changed in the Journal upon the statement that he voted upon a misapprehension of the question, and a motion relating thereto is not privileged. (1180) *1-31, Journal, p. 1266, Globe, p. 1577.*

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The rule giving revenue and general appropriation bills precedence on the motion of the appropriate committees. (389) *Rule XVI, section 9.*

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Bills appropriating money or property of the United States are considered first in Committee or the Whole. (764) *Rule XXIII, section 3.*

The Clerk makes reports to the House of the receipts and expenditures of his office and the property under his charge. (1714) *Revised Statutes, sections 70, 72.*

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Protests are not entered on the Journal unless by vote of the House. (230 and footnote) *3-37, Journal, pp. 122, 123, Globe, p. 165; 1-26, Journal, p. 28.*

The demand that a protest against certain parliamentary practices of the House be placed upon the Journal does not present a question of privilege. (191) *2-33, Journal, p. 451, Globe, p. 930.*

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PROVISO.

The Committee of the Whole having recommended two amendments, the second being a proviso apparently relating to the first, and the first amendment being defeated, the proviso did not thereby fall, as it attached to the section. (1050) 1-44, *Journal*, p. 1297, *Record*, p. 4746.

PUBLIC BUILDINGS.

Appropriations for the completion of public buildings have been held not in order as amendments to the general deficiency appropriation bill. (599, 600) 2-46, *Record*, p. 1650; 1-51, *Record*, p. 8121.

PUBLIC BUILDINGS AND GROUNDS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (630) *Rule X*, *Rule XI*, section 22.

The House restaurant was for a time under the supervision of the Committee on Public Buildings and Grounds. (1765) 1-41, *Journal*, p: 201.

PUBLIC BUSINESS.

If the House negatives the motion to go into the Committee of the Whole House to consider the Private Calendar on Friday it is in order to proceed with public business as on other days. (1422) *Rule XXIV*, section 6.

PUBLIC BILLS.

The distinction between public and private bills. (1428) 28 *Stat. L.*, p. 609, section 55.

PUBLIC DOCUMENTS.

Public documents defined. (1748) 18 *Stat. L.*, p. 237.

A Member is notified once in sixty days of the number and character of documents assigned to him. (1721) 28 *Stat. L.*, p. 612.

Bound copies of the Journals are distributed from the document room. (1748) 28 *Stat. L.*, p. 609.

Public documents may not be delivered to officers or employees except under certain conditions. (1748) 28 *Stat. L.*, p. 624.

Binding of public documents for Members. (1748) 28 *Stat. L.*, p. 624.

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PROTESTS—PUBLIC DOCUMENTS. 531

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Its powers, duties, jurisdiction, number of members, and history. (630) *Rule X*, *Rule XI*, section 22.

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PUBLIC BUSINESS.

If the House negatives the motion to go into the Committee of the Whole House to consider the Private Calendar on Friday it is in order to proceed with public business as on other days. (1422) *Rule XXIV*, section 6.

PUBLIC BILLS.

The distinction between public and private bills. (1428) 28 *Stat. L.*, p. 609, section 55.

PUBLIC DOCUMENTS.

Public documents defined. (1748) 18 *Stat. L.*, p. 237.

A Member is notified once in sixty days of the number and character of documents assigned to him. (1721) 28 *Stat. L.*, p. 612.

Bound copies of the Journals are distributed from the document room. (1748) 28 *Stat. L.*, p. 609.

Public documents may not be delivered to officers or employees except under certain conditions. (1748) 28 *Stat. L.*, p. 624.

Binding of public documents for Members. (1748) 28 *Stat. L.*, p. 624.

Division of documents among Members. (1748) 28 *Stat. L.*, p. 612.

Limit of time for the withdrawal of documents by a retiring Member. (1748) 28 *Stat. L.*, p. 612.

532 PUBLIC DOCUMENTS—QUALIFICATIONS. .

PUBLIC DOCUMENTS—Continued.

The time allowed Members who may be reelected for distributing documents continues during their successive terms and until their right to frank documents ceases. *30 Stat. L., p. 217.*

See also *Documents*.

PUBLIC LANDS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history.

(624) *Rule X, Rule XI, section 15.*

Committee has leave to report at any time on certain measures. (398)

Rule XI, section 59.

The privilege of the Committee on Public Lands. (414–418) *1–51, Journal, p. 928, Record, p. 8305; 2–51, Journal, p. 255, Record, p. 2799; 2–52, Journal, p. 114, Record, p. 2177; 2–53, Journal, p. 475, Record, p. 7261; 1–54, Record, p. 1763.*

Liberal construction of the rule so far as it relates to the privilege of the Committee on the Public Lands. (417) *1–54, Record, p. 1763.*

As to privileged and nonprivileged matters in reports from the Committee on Public Lands. (406–407) *1–50, Record, p. 2195; 2–50, Record, pp. 47, 48.*

PUBLIC WORKS OR OBJECTS.

For construction of clause relating thereto in the rule prohibiting legislation on appropriation bills. (486–506) See *Appropriation Bills*.

PUERTO RICO.

The Committee on Insular Affairs has jurisdiction of all subjects (excepting those affecting the revenue and appropriations) relating to Cuba, Puerto Rico, Guam, and the Philippines. *Rule XI, section 18.*

PUNISHMENT.

Provision of the Constitution relating to the punishment and expulsion of Members. (7, 91) *Constitution, Article I, section 5, p. 5.*

A Member who transgresses the rules of the House is liable to censure or other punishment. (871) *Rule XIV, section 4.*

A Member may not be tried or punished by the House for an offense alleged to have been committed before his election. (31) *1–44, House Report No. 815.*

It was decided in the case of Kilbourn v. Thompson that the House has no general power to punish for contempt. (176) *103 U. S., 168.*

QUALIFICATIONS.

The House is the judge of the elections, returns, and qualifications of its own Members. *Constitution, Article I, section 5, p. 5.*

Qualifications of Members as to age, citizenship, and residence. *Constitution, Article I, section 2, p. 2.*

A person who, having taken the oath, afterwards engages in insurrection or rebellion is disqualified as a Member; but the disability may be removed by a two-thirds vote. *Constitution, Article XIV, section 3, p. 31.*

QUALIFICATIONS—Continued.

Members-elect challenged at the organization of the House for alleged disqualifications have in several cases been sworn in, the question of their qualifications sometimes being referred to a committee for examination. 1-37, *Journal*, p. 12, *Globe*, pp. 6, 7, 13; 1-41, *Journal*, pp. 4, 5, 10, *Globe*, pp. 6, 10, 13; 1-42, *Globe*, pp. 7, 11; 1-43, *Record*, pp. 7, 8; 1-48, *Record*, p. 6.

A Member-elect being challenged for alleged disqualification during the swearing in of the Members-elect, the Speaker requested him to stand aside, and the House, after debate, voted to refer to a committee the question of the prima facie and final right to the seat. 1-56, *Record*, December 4, 1899.

Members-elect presenting themselves to be sworn after the organization of the House have been denied the oath on the ground of alleged disqualifications. 1-40, *Globe*, pp. 468, 469, vol. 64, pp. 502, 503, 514, 699, 700, 774, 777, vol. 65, pp. 894, 909, vol. 69, appendix, p. 145; 2-40, *Journal*, pp. 13, 31, 153, 167, 220, 342, 350, 562, 912, *Globe*, pp. 2072, 3331, 3337, 3340, 3368-3375.

QUARREL.

A question of privilege arising from a quarrel or other cause must be at once disposed of. (93) *Jefferson's Manual*, Section XXXIII, p. 155.

QUESTION.

Rule for putting. (46) *Rule I*, section 5.

The Speaker must put the question if it be in order. (47) *Jefferson's Manual*, Section III, p. 113.

Resolutions accompanying a report must be stated by the Speaker or read by the Clerk before being debated. (841) 2-48, *Journal*, p. 745, *Record*, pp. 2412, 2413.

On the demand of any Member, before the question is put, a question shall be divided if it include propositions so distinct as to admit of division. (1132) *Rule XVI*, section 6.

When the previous question is demanded all debate, even the asking of a question, is precluded. (971) 1-28, *Journal*, p. 1003.

QUESTION OF CONSIDERATION.

General provisions.

The question of consideration shall not be put unless demanded by a Member. (810) *Rule XVI*, section 3.

The question of consideration may not be raised after the question has been stated and discussion has begun. (811) 1-17, *Journal*, pp. 296, 297.

The question of consideration may not be raised on a motion relating to the order of business. (832-835) 1-51, *Journal*, pp. 103, 968, *Record*, pp. 433, 8814.

A motion to go into Committee of the Whole to consider a bill having been made, it was held that the only way for the House to express its wish as to consideration of the bill was by its vote on the motion to go into Committee of the Whole. (835) 2-53, *Journal*, p. 145, *Record*, p. 2009.

532 PUBLIC DOCUMENTS—QUALIFICATIONS. .

PUBLIC DOCUMENTS—Continued.

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QUESTION OF CONSIDERATION—Continued.*General provisions*—Continued.

The refusal of the House to consider a bill does not amount to its rejection and does not prevent its being brought before the House again.

(819) 2-48, *Journal*, p. 491, *Record*, p. 1388.

It has been held that when the question of consideration is undisposed of at an adjournment it does not recur as unfinished business on the succeeding day. (820, 821) 2-53, *Journal*, pp. 57, 66, 67, *Record*, pp. 501, 508, 509.

A vote by yeas and nays having been without result because of a failure of a quorum, it was held that the question of consideration might not intervene on a succeeding day before the second call of the yeas and nays. (814) 1-51, *Journal*, p. 941, *Record*, p. 8432.

A Member whose intention to raise the question of consideration had been frustrated by an affirmative vote on a motion to adjourn was allowed to raise the question on the succeeding day. (812) 2-44, *Journal*, p. 252, *Record*, p. 725.

The question of consideration may not be demanded against a bill returned with the objections of the President. (836, 837) 2-53, *Journal*, p. 312, *Record*, pp. 3458, 3459; 3-53, *Journal*, p. 190.

A point of order which, if sustained, might prevent the consideration of a bill should be made and decided before the question of consideration is put; but it is otherwise when the point of order merely relates to the method of consideration. (813) 2-55, *Record*, p. 6553.

In the Fifty-second and Fifty-third Congresses the former practice of entertaining the question of consideration against a report of the Committee on Rules was reversed. (829-831) 2-51, *Journal*, p. 273; 1-52, *Journal*, p. 91; 2-53, *Journal*, pp. 71-72, *Record*, p. 528;

It is not in order to reconsider the vote whereby the House refuses to consider a bill. 3-55, *Record*, p. 197.

In relation to special orders.

Though a bill may come up for consideration under the terms of a special order specifying the bill individually, yet the question of consideration may be raised. (824-827) 1-49, *Journal*, p. 2297, *Record*, p. 7335; 2-49, *Journal*, p. 581, *Record*, p. 1684; 1-50, *Record*, p. 2514; 2-50, *Record*, pp. 1062, 1400.

It has been held that the question of consideration may not be demanded against a bill which comes up under a special order providing for its immediate consideration. (828) 2-53, *Journal*, pp. 484, 485, *Record*, p. 7548.

The question of consideration may not be raised against District of Columbia business as a class, but may be raised against the bills individually. (822, 823, 1444, 1445) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal*, p. 239, *Record*, p. 762; 2-53, *Journal*, pp. 350, 351, 425, *Record*, pp. 3997, 6121.

QUESTION OF CONSIDERATION—Continued.

In relation to special orders—Continued.

The question of consideration may not be demanded against a class of business in order under a special order or a rule, but may be demanded against each bill individually as it is brought up. (822, 823) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal*, p. 239, *Record*, p. 762.

In relation to questions of privilege.

The question of consideration may be demanded against a question of the highest privilege, such as the right of a Member to his seat. (817, 818) 1-35, *Journal*, pp. 1083, 1085; 1-54, *Record*, pp. 6283, 6299. A matter of privilege may be called up again and again subjected to the question of consideration, although previously on the same day this question may have been decided against it. (818) 1-54, *Record*, pp. 6283, 6299.

In relation to previous question.

The question of consideration may not be raised against a bill on which the previous question has been ordered. (815, 816) 1-48, *Record*, p. 5543; 2-52, *Journal*, p. 33, *Record*, p. 381.

Under certain circumstances, however, the question of consideration has been raised against a bill on which the previous question had been ordered. (827) 2-50, *Record*, pp. 1062, 1400.

QUESTIONS OF ORDER.

See also *Points of Order*.

Time for making a point of order.

A point of order should be made when a matter is presented and not after consideration and on a succeeding day. (1655) 2-30, *Journal*, p. 332.

A point of order may be made at any time before consideration is entered upon. (1656) 2-48, *Journal*, p. 332.

After debate has begun on a proposition it is too late to make a point of order. (1657-1663) 1-30, *Journal*, p. 989; 1-48, *Record*, p. 752; 1-51, *Journal*, p. 21, *Record*, p. 195; 1-54, *Record*, pp. 567, 572; 2-55, *Record*, pp. 2720-2724, 3001, 6092; 3-55, *Record*, pp. 267, 2925, *Journal*, pp. 271, 274.

When the House is voting on a proposition, it is too late to make the point of order that the proposition is not in order. (1668) 2-54, *Record*, p. 2211.

The House having voted to consider a matter, a point of order against it comes too late. (1666, 1667) 1-51, *Journal*, p. 233, *Record*, p. 1353; 2-51, *Journal*, p. 346, *Record*, p. 3711.

A point of order against a proposition must be made before an amendment is offered to it. (1664, 1665) 1-51, *Record*, p. 3892; 2-55, *Record*, p. 2247.

It is a common practice for a Member to reserve a point of order; and if he do not insist upon it, another Member may make the point. (1663) 2-55, *Record*, p. 6092.

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QUESTION OF CONSIDERATION—Continued.

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The question of consideration may not be demanded against a class of business in order under a special order or a rule, but may be demanded against each bill individually as it is brought up. (822, 823) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal*, p. 239, *Record*, p. 762.

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536 QUESTIONS OF ORDER—QUORUM.

QUESTIONS OF ORDER—Continued.

General provisions.

A question of order arising out of any other question must be decided before that question. (1640) *Jefferson's Manual, Section XXXIII, pp. 154, 155.*

After the motion is made for the previous question, all incidental questions of order, whether on appeal or otherwise, are decided without debate. (961) *Rule XVII, section 3.*

A question of order just decided on an appeal may not be renewed on the suggestion of additional reasons. (1642) *1-38, Journal, p. 537, Globe, p. 1680.*

Questions of order in the House are always open for reexamination and decision. (407) *2-50, Record, pp. 47, 48.*

Where any portion of a proposition is out of order, it is sufficient ground for the rejection of the entire proposition. (1641) *1-47, Journal, p. 1704; 3-55, Journal, p. 21, Record, pp. 43, 44.*

Debate upon a point of order is within the discretion of the Chair. (1643) *1-43, Record, p. 3020.*

The Clerk notes decisions on questions of order in the Journal. (1712) *Rule III, section 3.*

In Committee of the Whole.

The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision. (1651-1654) *2-39, Globe, p. 528; 2-49, Record, p. 1059; 2-45, Journal, p. 81, Record, p. 108; 3-53, Journal, p. 125.*

The chairman of the Committee of the Whole having ruled a proposed amendment out of order, the committee rose and reported the point of order to the House; whereupon the Speaker held that the question did not come within his jurisdiction. (1650) *2-25, Globe, p. 224 et seq.*

Points of order are usually reserved when appropriation bills are referred to Committee of the Whole; otherwise the committee must consider the bill in its entirety, and may not eliminate a portion which is in violation of rule. (1644-1649) *1-48, Record, p. 5014; 2-48, Record pp. 1677, 1927, 2097; 1-54, Record, pp. 581, 1119; 1-54, Record, p. 3411; 2-54, Record, pp. 311, 312; 2-55, Record, p. 6083.*

QUORUM.

By what constituted.

A majority of the members chosen and living constitutes the quorum required by the Constitution. (250-253) *1-37, Journal, p. 117, Globe, p. 210; 3-45, Record, p. 1908; 1-49, Record, p. 4338; 1-51, Journal, pp. 1059, 1060, Record, p. 10239.*

A majority of a committee constitutes a quorum. (601) *Jefferson's Manual, Section XXVI, p. 139.*

QUORUM—Continued.

By what constituted—Continued.

The Constitution provides that a majority of the House shall constitute a quorum, but a smaller number may adjourn from day to day and be authorized to compel the attendance of absent Members. (238) *Constitution, Article I, section 5, p. 5.*

A quorum failing on a division the matter continues in the state in which it was before the division and must be resumed at that point at a future day. (240) *Jefferson's Manual, Section XLI, pp. 170, 171.*

The Constitution specifies what shall constitute a quorum of the House for the election of a President. (239) *Constitution, Article XII, p. 29.*

Its relation to the transaction of business.

The failure of a quorum necessitates the suspension of even the most highly privileged business. (261) *1-51, Journal, p. 327, Record, p. 6973.*

The presence of a quorum is necessary for the House to do business. (Former decisions overruled.) (266-268) *2-55, Record p. 6557; 2-51, Journal, p. 162, Record, p. 1630; 2-53, Journal, pp. 326, 327.*

If a quorum fail on a division, the matter continues exactly as it was and must be resumed at that point. (1123) *Jefferson's Manual, Section XLI, pp. 170, 171.*

The previous question having been ordered on a bill by unanimous consent in the absence of a quorum, the Speaker on the next day ruled that the action was null and void. (259) *3-42, Journal, p. 447, Globe, p. 1518.*

The absence of a quorum having been disclosed, the only proceedings in order are the motions to adjourn or for a call of the House, and not even by unanimous consent may business be acted upon. (258) *2-42, Globe, p. 3855.*

The absence of a quorum having been disclosed there must be a quorum of record before the House may proceed to business. (256) *2-30, Globe, p. 624.*

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair to take notice of that fact. (254) *1-48, Journal, p. 1385.*

Members have been sworn in by unanimous consent when a roll call had disclosed the absence of a quorum. (20) *1-55, Record, p. 428.*

A veto message may not be read or considered in the absence of a quorum. (1472) *1-33, Journal, p. 1341, Globe, p. 2144.*

A conference report has been held in order even pending a motion for a call of the House, but it was not a case where the absence of a quorum had been ascertained. (1391 footnote) *2-46, Record, pp. 203, 1202, 1203.*

Less than a quorum may not expunge anything from the Journal. (338) *2-52, Journal, p. 107, Record, p. 1994.*

536 QUESTIONS OF ORDER—QUORUM.

QUESTIONS OF ORDER—Continued.

General provisions.

A question of order arising out of any other question must be decided before that question. (1640) *Jefferson's Manual, Section XXXIII, pp. 154, 155.*

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The Clerk notes decisions on questions of order in the Journal. (1712) *Rule III, section 3.*

In Committee of the Whole.

The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision. (1651-1654) 2-39, *Globe, p. 528; 2-49, Record, p. 1059; 2-45, Journal, p. 81, Record, p. 108; 3-53, Journal, p. 125.*

The chairman of the Committee of the Whole having ruled a proposed amendment out of order, the committee rose and reported the point of order to the House; whereupon the Speaker held that the question did not come within his jurisdiction. (1650) 2-25, *Globe, p. 224 et seq.*

Points of order are usually reserved when appropriation bills are referred to Committee of the Whole; otherwise the committee must consider the bill in its entirety, and may not eliminate a portion which is in violation of rule. (1644-1649) 1-48, *Record, p. 5014; 2-48, Record pp. 1677, 1927, 2097; 1-54, Record, pp. 581, 1119; 1-54, Record, p. 3411; 2-54, Record, pp. 311, 312; 2-55, Record, p. 6083.*

QUORUM.

By what constituted.

A majority of the members chosen and living constitutes the quorum required by the Constitution. (250-253) 1-37, *Journal, p. 117, Globe, p. 210; 3-45, Record, p. 1908; 1-49, Record, p. 4338; 1-51, Journal, pp. 1059, 1060, Record, p. 10239.*

A majority of a committee constitutes a quorum. (601) *Jefferson's Manual, Section XVI, p. 139.*

QUORUM—Continued.

By what constituted—Continued.

The Constitution provides that a majority of the House shall constitute a quorum, but a smaller number may adjourn from day to day and be authorized to compel the attendance of absent Members. (238) *Constitution, Article I, section 5, p. 5.*

A quorum failing on a division the matter continues in the state in which it was before the division and must be resumed at that point at a future day. (240) *Jefferson's Manual, Section XLI, pp. 170, 171.*

The Constitution specifies what shall constitute a quorum of the House for the election of a President. (239) *Constitution, Article XII, p. 29.*

Its relation to the transaction of business.

The failure of a quorum necessitates the suspension of even the most highly privileged business. (261) *1-51, Journal, p. 827, Record, p. 6973.*

The presence of a quorum is necessary for the House to do business. (Former decisions overruled.) (266-268) *2-55, Record p. 6557; 2-51, Journal, p. 162, Record, p. 1630; 2-53, Journal, pp. 326, 327.*

If a quorum fail on a division, the matter continues exactly as it was and must be resumed at that point. (1123) *Jefferson's Manual, Section XLI, pp. 170, 171.*

The previous question having been ordered on a bill by unanimous consent in the absence of a quorum, the Speaker on the next day ruled that the action was null and void. (259) *3-42, Journal, p. 447, Globe, p. 1518.*

The absence of a quorum having been disclosed, the only proceedings in order are the motions to adjourn or for a call of the House, and not even by unanimous consent may business be acted upon. (258) *2-42, Globe, p. 3855.*

The absence of a quorum having been disclosed there must be a quorum of record before the House may proceed to business. (256) *2-30, Globe, p. 624.*

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair to take notice of that fact. (254) *1-48, Journal, p. 1385.*

Members have been sworn in by unanimous consent when a roll call had disclosed the absence of a quorum. (20) *1-55, Record, p. 428.*

A veto message may not be read or considered in the absence of a quorum. (1472) *1-33, Journal, p. 1341, Globe, p. 2144.*

A conference report has been held in order even pending a motion for a call of the House, but it was not a case where the absence of a quorum had been ascertained. (1391 footnote) *2-46, Record, pp. 203, 1202, 1203.*

Less than a quorum may not expunge anything from the Journal. (338) *2-52, Journal, p. 107, Record, p. 1994.*

QUORUM—Continued.*Its relation to the transaction of business*—Continued.

The Journal may not be approved until a quorum has appeared. (217, 218) 2-27, *Journal*, p. 678, *Globe*, p. 405; 1-50, *Journal*, p. 2945, *Record*, p. 9607.

A special order made after the absence of a quorum had been suggested, but before such fact had been ascertained and announced, was decided to be valid. (278) 2-52, *Journal*, p. 33, *Record*, p. 380.

Its relation to adjournment and recess.

The hour fixed for adjournment *sine die* having arrived, the Speaker delivered his valedictory and declared the House adjourned, although no quorum was present. (276) 2-23, *Globe*, p. 332.

A smaller number than a quorum may adjourn. *Constitution*, Article I, section 5, p. 5.

The absence of a quorum being disclosed, a motion to fix the day to which the House shall adjourn is not in order and may not be entertained, although a quorum be disclosed on an affirmative vote on the motion to adjourn. (262) 2-53, *Journal*, p. 188.

Pending a motion to suspend the rules, a motion to adjourn having been voted down and no quorum voting to second the former motion, it was held that the motion to adjourn might be repeated. (1502) 2-50, *Journal*, p. 103, *Record*, pp. 300, 301.

When a quorum fails after a motion to suspend the rules, the motion to adjourn may not be repeated unless a quorum fails to appear on a call of the House. (1567) 1-47, *Record*, pp. 2081, 2082, 2083.

After a motion to suspend the rules has been made, and one motion to adjourn has been negatived, a second motion to adjourn may be entertained after the lack of a quorum has been ascertained. 3-55, *Record*, p. 2121.

The hour fixed by the rules for a recess having arrived, the Speaker declares the House in recess although less than a quorum may be present. (277, 1482, 1483) 1-51, *Journal*, p. 934, *Record*, p. 8352; 1-48, *Journal*, p. 1117; 1-51, *Journal*, p. 915, *Record*, p. 8035.

The point of no quorum being made, a motion for a recess may not be entertained. (255, 265) 2-29, *Journal*, p. 343, *Globe*, p. 421; 2-55, *Record*, p. 6602.

Less than a quorum may not determine to take a recess. (257) 2-32, *Journal*, p. 388.

In the Forty-eighth Congress it was intimated that in the absence of a quorum a motion for a recess might be made, although a quorum would be required to agree to it. (260) 1-48, *Record*, p. 1217.

Counting of.

Members present and not voting may be counted as part of the quorum required by the Constitution. (242) 1-51, *Journal*, pp. 175-177, *Record*, pp. 949-960, 979-993.

The rule for counting Members not voting in determining the presence of a quorum. (241) *Rule XI*, section 3.

QUORUM—Continued.

Counting of—Continued.

It is strictly parliamentary for the Speaker or Chairman of the Committee of the Whole to count the Members to ascertain the presence of a quorum. (1632) 1-24, *Globe*, p. 484.

Under the latest as well as the very early practice of the House the Speaker may count the Members to ascertain the presence of a quorum. (242 and footnote) 1-51, *Journal*, pp. 175-177, *Record*, pp. 949-960, 979-993; 2-9, *Annals*, p. 655; 2-21, *Debates*, p. 332; 1-26, *Globe*, p. 360; 1-35, *Globe*, pp. 2164, 2211.

After a roll call is concluded a Member may not record his vote unless he has been noted as present under section 3 of Rule XV. (1122) *Rule XV*, section 1.

The point of order being made that a Member noted as present under section 3 of Rule XV was actually absent, his name was erased from the list before the announcement of the result. (249) 2-51, *Journal*, p. 273, *Record*, pp. 2997, 2999.

A Member noted as present under section 3 of Rule XV may be allowed to vote. (247) 2-55, *Record*, p. 6555.

It is not necessary that a quorum vote on a question taken by tellers, providing a quorum be present. (243) 1-51, *Journal*, p. 243, *Record*, p. 1415.

Point of no quorum.

The point of order must be that no quorum is present. (246) 2-54, *Record*, p. 2966.

The presence of a quorum having been ascertained, the Speaker has overruled points of "no quorum" made very soon thereafter. (244, 245) 1-51, *Journal*, p. 1071, *Record*, p. 10337; 2-51, *Journal*, p. 39, *Record*, p. 271.

The Speaker being satisfied that a quorum was present and that a point of no quorum was made for dilatory purposes declined to entertain it. (1621-1623) 1-54, *Record*, pp. 6166, 6167, 6173; 2-54, *Record*, p. 1133; 2-55, *Record*, pp. 2559-2566.

When, on division, less than a quorum votes, and then tellers or the yeas and nays are refused, it is too late to make the point of no quorum. (269-275) 1-51, *Journal*, p. 856, *Record*, p. 7262; 2-52, *Journal*, pp. 53, 58; *Record*, p. 834; 1-53, *Journal*, p. 30; 1-54, *Record*, pp. 3299, 5824; 2-55, *Record*, p. 3863.

The point of no quorum may not be withdrawn after the absence of a quorum has been ascertained and announced by the Chair. (263, 264) 2-54, *Record*, p. 1077; 2-55, *Record*, pp. 4529, 4530.

In relation to tellers.

The right to demand tellers is not waived by the fact that the Member demanding them has just made the point of no quorum and caused the Chair to count the House. (1143) 1-51, *Journal*, pp. 528, 529; *Record*, p. 3911.

QUORUM—Continued.*Its relation to the transaction of business*—Continued.

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QUORUM—Continued.*In relation to tellers*—Continued.

Where the vote as announced by tellers shows no quorum, and a motion for a call of the House is interjected and voted down, it is customary to take the vote by tellers anew on the original question instead of continuing the count of additional votes. (1145) *2-52, Journal, p. 117; Record, p. 2240.*

In relation to yeas and nays.

In the earlier practice of the House it was held that less than a quorum might not order the yeas and nays, but for many years the decisions have been uniformly the other way. (1158-1166) *1-32, Globe, p. 1320; 3-37, Globe, p. 573; 1-45, Journal, p. 390, Record, pp. 811, 812; 3-46, Journal, p. 596, Record, p. 2446; 2-50, Record, pp. 679, 681; 1-51, Journal, pp. 903, 984, Record, p. 7861; 1-53, Journal, p. 172, Record, pp. 3120, 3121; 2-55, Record, p. 4744.*

A quorum is not necessary on a motion to reconsider the vote whereby the yeas and nays were ordered. (1230) *1-50, Record, p. 7546.*

Where a quorum fails to vote on a yea-and-nay vote, the order for the yeas and nays remains in force. (1155, 1156) *1-49, Journal, pp. 1566, 1885, Record, pp. 4342, 5679, 5680; 1-51, Journal, p. 998, Record, p. 9277.*

In Committee of the Whole.

The quorum of the Committee of the Whole is one hundred Members. (279) *Rule XXIII, section 2.*

When a quorum fails in Committee of the Whole, the roll is called and the committee rises and reports. (279) *Rule XXIII, section 2.*

Upon the failure of a quorum in Committee of the Whole, the roll is called but once. (282) *2-53, Journal, p. 237, Record, p. 2798.*

The Committee of the Whole having voted to rise after the point of no quorum had been made, the bills which the committee had acted upon were reported to the House. (286) *1-54, Record, p. 1195.*

The Committee of the Whole having risen because a quorum had failed, the bills that had been laid aside to be reported remained in the committee until the next occasion when the committee rose without question as to a quorum. (753) *1-54, Record, pp. 4914, 5011.*

It is not necessary that there be a quorum on the vote that the Committee of the Whole rise. (284, 285, 752) *3-46, Record, p. 1628; 1-51, Record, p. 8249; 1-35, Journal, pp. 814, 822, Globe, p. 2141.*

The fact that the vote whereby the Committee of the Whole rose did not show a quorum, was held not sufficient to prevent the reception of the report of the committee by the House. (752) *1-35, Journal, pp. 814, 822, Globe, p. 2141.*

The ascertainment of a quorum by the call of the roll and rising of the Committee of the Whole does not obviate the necessity of taking again the vote on the question on which the quorum failed. (286) *1-54, Record, p. 1195.*

QUORUM—Continued.

In Committee of the Whole—Continued.

The Committee of the Whole having risen for want of a quorum, and the roll having shown a quorum, a motion to adjourn was entertained and negatived, and although on that motion a quorum did not vote, the Speaker *pro tempore* ruled that the committee should resume its session under the rule. (283) 3-46, *Record*, pp. 1628, 1629.

When a Committee of the Whole rises and reports the lack of a quorum, and immediately upon a vote of the House a quorum appears, the sitting of the committee must be resumed immediately. (281) 2-27, *Journal*, p. 589, *Globe*, p. 350.

Call of the House—General provisions.

The old rule for the call of the House and the arrest of Members. (297) *Rule XV*, section 2.

A quorum not being present, no motion is in order but for a call of the House, or to adjourn. (298) 1-29, *Journal*, p. 355.

A quorum is not required on a motion relating to a call of the House. (313) 1-51, *Journal*, p. 991, *Record*, p. 9183.

A call of the House may not be ordered by a minority of fifteen or more. (311) 2-53, *Journal*, p. 559, *Record*, p. 8409.

Less than fifteen Members may not order a call of the House. (310) 1-28, *Journal*, p. 885.

Although a quorum be present, the majority may direct the Sergeant-at-Arms to bring in all absentees. (307-309) 1-52, *Journal*, pp. 166, 167, *Record*, p. 3758; 1-52, *Journal*, pp. 160, 206, *Record*, pp. 3632, 3633, 4881, 4882.

A call of the House is not in order after the previous question has been ordered unless it appears upon an actual count by the Speaker that a quorum is not present. (960) *Rule XVII*, section 2.

A call of the House is in order before the reading of the Journal. (221) 1-34, *Journal*, p. 1253, *Globe*, p. 1710.

During a call of the House, when a quorum is not present, a question of privilege may not be presented unless it be something connected immediately with the proceedings. (182) 2-52, *Journal*, p. 105, *Record*, p. 1964.

It is always in order, the failure of a quorum being shown, to proceed to secure the attendance of absent Members. (300) 1-50, *Record*, pp. 2718, 2719.

During a call of the House less than a quorum may excuse a Member from attendance. (316, 317) 2-52, *Journal*, p. 77, *Record*, p. 1259; 2-54, *Record*, p. 606. But may not grant leave of absence. (304) 2-53, *Journal*, pp. 326, 327.

Call of the House—The Roll Call.

A roll call may not be interrupted by a motion to adjourn or that further proceedings under a call be dispensed with. (1170) 1-47, *Journal*, pp. 597, 641, *Record*, pp. 1238, 1245, 1366.

QUORUM—Continued.*In relation to tellers*—Continued.

Where the vote as announced by tellers shows no quorum, and a motion for a call of the House is interjected and voted down, it is customary to take the vote by tellers anew on the original question instead of continuing the count of additional votes. (1145) 2-52, *Journal*, p. 117; *Record*, p. 2240.

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Call of the House—General provisions.

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A call of the House may not be ordered by a minority of fifteen or more. (311) 2-53, *Journal*, p. 559, *Record*, p. 8409.

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Call of the House—The Roll Call.

A roll call may not be interrupted by a motion to adjourn or that further proceedings under a call be dispensed with. (1170) 1-47, *Journal*, pp. 597, 641, *Record*, pp. 1238, 1245, 1366.

QUORUM—Continued.**Call of the House—The Roll Call**—Continued.

On a call of the House under section 2 of Rule XV a second call of the roll is not required. (332, 333) 1-51, *Journal*, pp. 180, 335, *Record*, pp. 2300, 2325, 8371.

During proceedings under a call of the House the House may order the roll call repeated. (328) 2-52, *Journal*, p. 107, *Record*, p. 1990.

There is no rule or practice requiring a recapitulation of the names of those who appear on a call of the House after their names have been called. (248) 1-51, *Journal*, p. 991, *Record*, p. 9184.

While the absentees are being called for excuses, a motion to excuse a Member from attendance and an appeal may not be debated. (334) 1-52, *Journal*, p. 342, *Record*, p. 6904.

After the roll has been called for excuses and the House has ordered the arrest of absent Members, motions to excuse Members are in order only as they are brought to the bar. A second roll call is not in order. (337) 1-54, *Record*, p. 2805.

During the call of the House, motions to excuse Members may be made during the call of the roll for the presentation of excuses by absentees. (336) 2-53, *Journal*, pp. 326, 327, *Record*, p. 5703.

On a motion for a call of the House a motion to excuse a Member from voting was held not in order, although the rule at that time permitted the motion. (306) 1-31, *Journal*, p. 1538, *Globe*, p. 1970.

Call of the House—Leaves of absence.

A resolution revoking leaves of absence, being a proceeding to compel the attendance of absent Members, does not require a quorum for its adoption. (312) 1-48, *Journal*, p. 621.

A motion to revoke leaves of absence, being a proceeding to compel the attendance of absent Members, does not require a quorum. (314) 1-51, *Journal*, p. 1031, *Record*, p. 9949.

A resolution revoking leaves of absence and directing the Sergeant-at-Arms to telegraph for absent Members is in order pending a call of the House, although a quorum may have been disclosed. (315) 2-53, *Journal*, pp. 256-258, *Record*, p. 3156.

Less than a quorum may not grant leave of absence to a Member. (304) 2-53, *Journal*, pp. 326, 327.

But may excuse a Member. (316, 317) 2-52, *Journal*, p. 77, *Record*, p. 1459; 2-54, *Record*, p. 606.

Call of the House—Arrest of Members.

Form of motion for the arrest of absent Members. (330 footnote.)

A Member who appears and answers during a call is not subject to arrest. (331) 2-52, *Journal*, p. 180, *Record*, pp. 2300, 2325.

The Sergeant-at-Arms may be directed to take into custody such Members as have absented themselves since the first call of the roll. (330) 2-52, *Journal*, p. 106, *Record*, p. 1969.

QUORUM—Continued.

Call of the House—Arrest of Members—Continued.

Members present in custody of the Sergeant-at-Arms have been allowed to vote on a motion to excuse another Member. (329) 1-52, *Journal*, pp. 167, 168, *Record*, pp. 3762, 3768, 3770.

A motion to dispense with proceedings under a call is not in order pending a motion that the Sergeant-at-Arms take into custody absent Members. (326) 2-53, *Journal*, pp. 177, 194, *Record*, pp. 2297, 2300, 2388.

Continuing orders of arrest have been made, sometimes by less than a quorum. (322-327) 1-30, *Journal*, pp. 1034, 1035, *Globe*, p. 926; 1-52, *Journal*, pp. 166, 167, *Record*, pp. 3761, 3765, 3766; 2-53, *Journal*, pp. 284, 286, 287, 318, 319, *Record*, p. 3333; 2-53, *Journal*, pp. 177, 185, 194, *Record*, pp. 2297, 2300, 2388; 2-54, *Journal*, p. 65, *Record*, pp. 607, 612.

During a call, penalties have been imposed which contemplated the future appearance at the bar of absent Members. (321) 2-27, *Journal*, p. 672.

A question as to the constitutionality and propriety of a continuing order of arrest was held not to supersede a motion to discharge the Sergeant-at-Arms from the further execution of the order. (204) 2-53, *Journal*, pp. 337, 338, *Record*, p. 3795.

The House having made a continuing order of arrest, a motion on the succeeding day that the Sergeant-at-Arms be summoned to report his action was ruled to be a question of privilege. (201) 2-53, *Journal*, p. 149, *Record*, p. 2034.

Call of the House—The new rule.

The rule whereby a quorum is obtained, and the vote taken on the pending proposition by one roll call. (287) *Rule XV*, section 4.

During a call of the House under section 4 of Rule XV motions to excuse Members are in order; and a motion to adjourn must be seconded by a majority. (294) 2-54, *Journal*, p. 175, *Record*, p. 1858.

Members answering "present" on a call under section 4 of Rule XV may be allowed to vote before the result is announced. (289) 1-54, *Record*, p. 6330.

A motion to adjourn may be made before the call of the roll under section 4 of Rule XV. 3-55, *Record*, p. 1962.

A quorum having failed to vote on a motion to adjourn and the motion not being carried, a case is not presented for the use of section 4 of Rule XV. (288) 1-54, *Record*, p. 4915.

Interpretations of section 4 of Rule XV by the Speaker. (288-296) 1-54, *Record*, pp. 4915, 6330; 2-54, *Journal*, p. 175, *Record*, pp. 152, 1042, 1132, 1658, 1858; 2-55, *Record*, pp. 5304, 6247.

QUORUM—Continued.**Call of the House—The Roll Call**—Continued.

On a call of the House under section 2 of Rule XV a second call of the roll is not required. (332, 333) 1-51, *Journal*, pp. 180, 335, *Record*, pp. 2300, 2325, 3371.

During proceedings under a call of the House the House may order the roll call repeated. (328) 2-52, *Journal*, p. 107, *Record*, p. 1990.

There is no rule or practice requiring a recapitulation of the names of those who appear on a call of the House after their names have been called. (248) 1-51, *Journal*, p. 991, *Record*, p. 9184.

While the absentees are being called for excuses, a motion to excuse a Member from attendance and an appeal may not be debated. (334) 1-52, *Journal*, p. 342, *Record*, p. 6904.

After the roll has been called for excuses and the House has ordered the arrest of absent Members, motions to excuse Members are in order only as they are brought to the bar. A second roll call is not in order. (337) 1-54, *Record*, p. 2805.

During the call of the House, motions to excuse Members may be made during the call of the roll for the presentation of excuses by absentees. (336) 2-53, *Journal*, pp. 326, 327, *Record*, p. 5703.

On a motion for a call of the House a motion to excuse a Member from voting was held not in order, although the rule at that time permitted the motion. (306) 1-31, *Journal*, p. 1538, *Globe*, p. 1970.

Call of the House—Leaves of absence.

A resolution revoking leaves of absence, being a proceeding to compel the attendance of absent Members, does not require a quorum for its adoption. (312) 1-48, *Journal*, p. 621.

A motion to revoke leaves of absence, being a proceeding to compel the attendance of absent Members, does not require a quorum. (314) 1-51, *Journal*, p. 1031, *Record*, p. 9949.

A resolution revoking leaves of absence and directing the Sergeant-at-Arms to telegraph for absent Members is in order pending a call of the House, although a quorum may have been disclosed. (315) 2-53, *Journal*, pp. 256-258, *Record*, p. 3156.

Less than a quorum may not grant leave of absence to a Member. (304) 2-53, *Journal*, pp. 326, 327.

But may excuse a Member. (316, 317) 2-52, *Journal*, p. 77, *Record*, p. 1259; 2-54, *Record*, p. 606.

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Form of motion for the arrest of absent Members. (330 footnote.)

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The Sergeant-at-Arms may be directed to take into custody such Members as have absented themselves since the first call of the roll. (330) 2-52, *Journal*, p. 106, *Record*, p. 1969.

QUORUM—Continued.

Call of the House—Arrest of Members—Continued.

Members present in custody of the Sergeant-at-Arms have been allowed to vote on a motion to excuse another Member. (329) 1-52, *Journal*, pp. 167, 168, *Record*, pp. 3762, 3768, 3770.

A motion to dispense with proceedings under a call is not in order pending a motion that the Sergeant-at-Arms take into custody absent Members. (326) 2-53, *Journal*, pp. 177, 194, *Record*, pp. 2297, 2300, 2338.

Continuing orders of arrest have been made, sometimes by less than a quorum. (322-327) 1-30, *Journal*, pp. 1034, 1035, *Globe*, p. 926; 1-52, *Journal*, pp. 166, 167, *Record*, pp. 3761, 3765, 3766; 2-53, *Journal*, pp. 284, 286, 287, 318, 319, *Record*, p. 3333; 2-53, *Journal*, pp. 177, 185, 194, *Record*, pp. 2297, 2300, 2338; 2-54, *Journal*, p. 65, *Record*, pp. 607, 612.

During a call, penalties have been imposed which contemplated the future appearance at the bar of absent Members. (321) 2-27, *Journal*, p. 672.

A question as to the constitutionality and propriety of a continuing order of arrest was held not to supersede a motion to discharge the Sergeant-at-Arms from the further execution of the order. (204) 2-53, *Journal*, pp. 337, 338, *Record*, p. 3795.

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During a call of the House under section 4 of Rule XV motions to excuse Members are in order; and a motion to adjourn must be seconded by a majority. (294) 2-54, *Journal*, p. 175, *Record*, p. 1858.

Members answering "present" on a call under section 4 of Rule XV may be allowed to vote before the result is announced. (289) 1-54, *Record*, p. 6330.

A motion to adjourn may be made before the call of the roll under section 4 of Rule XV. 3-55, *Record*, p. 1962.

A quorum having failed to vote on a motion to adjourn and the motion not being carried, a case is not presented for the use of section 4 of Rule XV. (288) 1-54, *Record*, p. 4915.

Interpretations of section 4 of Rule XV by the Speaker. (288-296) 1-54, *Record*, pp. 4915, 6330; 2-54, *Journal*, p. 175, *Record*, pp. 152, 1042, 1132, 1658, 1858; 2-55, *Record*, pp. 5304, 6247.

QUORUM—Continued.*Call of the House—Allowable motions.*

A motion for a recess is not in order during a call of the House. (302, 303) 1-26, *Journal*, p. 843, *Record*, p. 361; 1-48, *Journal*, p. 618.

The yeas and nays may be ordered during a call of the House. (340) 1-46, *Record*, p. 1577.

During a call of the House a motion to adjourn is in order pending the call of the roll for excuses. (335) 2-53, *Journal*, pp. 68, 69, *Record*, p. 512.

During a call of the House the previous question may be ordered by less than a quorum. (326) 2-53, *Journal*, pp. 177, 194, *Record*, pp. 2297, 2300, 2388.

A motion to fix the day to which the House will adjourn is not in order during a call of the House. (326) 2-53, *Journal*, pp. 177, 194, *Record*, pp. 2297, 2300, 2388.

An appeal may be taken during a call of the House when less than a quorum is present. (340) 1-46, *Record*, p. 1577.

It has been decided that during a call of the House the motion to reconsider might be entertained and might be laid on the table, although there was no quorum. (318) 2-52, *Journal*, p. 77, *Record*, p. 1259.

Less than a quorum being sufficient to dispense with proceedings under a call, the same vote is sufficient on reconsideration, and on a motion to table the motion to reconsider. (319) 2-43, *Record*, p. 1731.

It has been decided that less than a quorum might order the previous question on a proposition to secure the attendance of absent Members. (320) 2-53, *Journal*, p. 3301, *Record*, pp. 3705, 3716.

A quorum not being present, an appeal has been entertained, and a motion to lay that appeal on the table; but a motion to reconsider was ruled out of order. (299) 1-44, *Journal*, p. 1492, *Record*, pp. 5647, 5649.

A quorum not being present, a resolution directing the enforcement of section 40, Revised Statutes, is not in order as a measure to compel the attendance of absent Members. (301) 1-51, *Journal*, p. 1025, *Record*, p. 9922.

During a call of the House a resolution construing the rule relating to the call or making a new rule is not in order. (305) 2-48, *Journal*, p. 675, *Record*, pp. 2165, 2166.

Call of the House—Dispensing with proceedings under.

Proceedings under a call may be dispensed with although Members under arrest have not had the opportunity to make their excuses. (341) 1-52, *Journal*, p. 167, *Record*, p. 3770.

If a quorum be present, a call may be dispensed with, although proceedings under it may not have begun. (342) 1-51, *Journal*, p. 844, *Record*, p. 7111.

QUORUM—Continued.

Call of the House—Dispensing with proceedings under—Continued.

It has been held that a resolution revoking leaves of absence, directing that absent Members be notified to attend, and dispensing with proceedings under a call had precedence of a simple motion to dispense with proceedings under the call. (343) 2-53, *Journal*, pp. 330, 331, *Record*, pp. 3705, 3715.

A motion to dispense with further proceedings under a call does not require a quorum for its adoption. (339) 1-51, *Journal*, p. 1028, *Record*, p. 9946.

A motion to dispense with proceedings under the call, having been once entertained, was ruled out of order pending a motion for the arrest of absent Members. (299) 1-44, *Journal*, p. 1492, *Record*, pp. 5647, 5649.

RAILROADS BETWEEN MISSISSIPPI AND PACIFIC COAST.

Subjects relating to, are under jurisdiction of the Committee on Pacific Railroads. (631) *Rule XI*, section 23.

RAILWAYS AND CANALS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members and history. (627) *Rule X*, *Rule XI*, section 19.

READING OF BILLS.

The rule for the reading, engrossment, and passage of bills. (467) *Rule XXI*, section 1.

It is the right of a member to demand at the proper time the reading in full of the engrossed copy of a bill. (470-472) 2-48, *Record*, p. 2251; 2-49, *Record*, p. 1062; 1-54, *Record*, p. 3540.

Pending the demand for the previous question on the passage of a bill, or even after it is ordered, the reading of the engrossed copy may be demanded. (471) 2-49, *Record*, p. 1062.

It is not in order to demand the reading of the engrossed copy of a bill which is presented as the subject of a conference report. (472 footnote) 1-52, *Record*, p. 4586; 1-44, *Journal*, p. 1423.

A bill which has been read in Committee of the Whole and reported favorably therefrom is not read in full again when acted on by the House. 3-55, *Record*, pp. 1614, 1634, 2581.

After the yeas and nays have been ordered on the passage of a bill it is too late to demand the reading of the engrossed bill. (473) 1-52, *Journal*, p. 225.

In the consideration of amendments on a bill pending between the two Houses it is not necessary to read the entire bill when the amendments come up for action. (469) 2-54, *Record*, p. 2653.

The time occupied in reading a bill in Committee of the Whole does not come out of the time allowed for general debate. (921) 2-43, *Record*, p. 1699.

When a bill is taken up in Committee of the Whole its reading in full may be demanded, although it has just been read in the House. (468) 2-54, *Record*, p. 1660.

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It has been held that a resolution revoking leaves of absence, directing that absent Members be notified to attend, and dispensing with proceedings under a call had precedence of a simple motion to dispense with proceedings under the call. (343) *2-53, Journal, pp. 330, 331, Record, pp. 3705, 3715.*

A motion to dispense with further proceedings under a call does not require a quorum for its adoption. (339) *1-51, Journal, p. 1028, Record, p. 9946.*

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In the consideration of amendments on a bill pending between the two Houses it is not necessary to read the entire bill when the amendments come up for action. (469) *2-54, Record, p. 2653.*

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When a bill is taken up in Committee of the Whole its reading in full may be demanded, although it has just been read in the House. (468) *2-54, Record, p. 1660.*

546 **READING OF MESSAGES—PAPERS.**

READING OF MESSAGES.

While a question of privilege is pending, a veto message from the President may be received and read but not acted on. (437, 438) 2-53, *Journal*, pp. 292, 293, 295, *Record*, pp. 3351-3353.

READING OF PAPERS.

Rights of Members in relation to.

When the reading of a paper, other than one on which the House is called to give a final vote, is demanded and objected to, the question is determined by the House without debate. (1236) *Rule XXXI*.

Interpretation of the rule of the House relating to the reading of papers. (1239) 1-32, *Globe*, p. 2417.

Objections being made when Members have proposed to have papers read as parts of their remarks, the question has been referred to the House, as provided by the rule. (1243-1245) 1-54, *Record*, p. 3557; 1-55, *Record*, pp. 507, 513, 514; 2-55, *Record*, p. 846.

The rights of the Member in relation to the reading of papers, as defined by the parliamentary law. (1237) *Jefferson's Manual*, Section XXXII, p. 147.

Without leave of the House a Member has not the right to read a paper in his place, even though it be his own written speech. (1237) *Jefferson's Manual*, Section XXXII, p. 147.

A Member may not have read or read himself a printed book to the House without its leave. (1238) 1-51, *Record*, p. 1019.

The right to have read a paper on which the House is to vote may be abrogated by a suspension of the rules, even though the previous question may have been ordered. (1249-1253) 1-32, *Journal*, p. 1116, *Globe*, p. 2416; 3-34, *Journal*, p. 386, *Globe*, p. 631; 2-35, *Journal*, p. 572, *Globe*, p. 1668; 2-38, *Journal*, pp. 397, 398, *Globe*, p. 1334; 1-44, *Journal*, p. 1331, *Record*, p. 4861.

The reading of the documents accompanying a message of the President may not be demanded as a matter of right. (1246, 1247) 2-44, *Journal*, pp. 294-297, *Record*, p. 925; 2-55, *Record*, p. 2735.

In relation to questions of privilege.

A Member has not the right, without a question put, to have a book or paper read on suggesting that it contains matter infringing on the privileges of the House. (1237) *Jefferson's Manual*, Section XXXII, p. 147.

A Member rising to a question of personal privilege, and requesting the reading of a paper, should state his belief that it involves a question of privilege; then it should be read, to enable the Speaker and House to decide. (194) 1-49, *Record*, pp. 1027, 1028, *Journal*, pp. 514, 515.

A protest against the passage of a bill under suspension of the rules was decided by the House not to present a question of privilege. The Speaker ruled that the paper must be read before the question of privilege could be passed upon. (192) 2-45, *Record* pp. 2717, 2738, 2742, 2753.

READING OF PAPERS—RECAPITULATION. 547

READING OF PAPERS—Continued.

In relation to questions of privilege—Continued.

A Member who proposed to read as part of a personal explanation matter which the House had refused to allow to go into the Congressional Record was permitted to do so, subject to a point of order if there should be anything in violation of the rules governing debate. (1242) 1-49, *Journal*, pp. 2547, 2548, *Record*, pp. 8031 8032.

General provisions.

The Chair may rule an amendment out of order before the reading has been completed, if enough has been read to show that it is not in order. (1248) 2-55, *Record*, p. 2735.

On a motion to commit papers, the reading of them may be demanded, but the rulings differ as to testimony accompanying a report which is to be committed. (1240, 1241) 1-34 *Journal*, p. 1146, *Globe*, p. 1535; 2-50, *Journal*, p. 571, *Record*, p. 2118.

There is no rule requiring that the text of a bill which has been read in the House shall be printed in either the *Journal* or the *Record*. (1683, 1684, 1685) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025; 1-53 *Journal*, p. 125; 1-54, *Record*, p. 47.

A Member may not as a matter of right demand the reading of the reporters' notes. (1683) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025.

If a paper read by a Member or by the Clerk contain matter not in order, a point of order may be made as if the words were spoken in debate. (1634) 1-49, *Journal*, p. 2547.

The reading of a report, being in the nature of debate, is not in order after the previous question is ordered. (973, 974) 1-23, *Journal*, p. 726; 1-49, *Record*, pp. 7154, 7155.

RECALL OF A BILL.

A bill having been sent from the House to the Senate by error, a resolution to recall it was decided to be privileged. (481) 3-53, *Record*, p. 2093.

Bills that have been sent to the President are sometimes recalled by the House. (479, 480) 1-51, *Journal*, p. 828; 1-54, *Record*, p. 1703.

RECAPITULATION.

The recapitulation of a vote is within the discretion of the Speaker, but he usually allows it if the vote is close. (1188, 1189) 2-51, *Journal*, p. 182, *Record*, p. 1832; 1-54, *Record*, pp. 5206, 5207.

After the announcement of the result a vote may be recapitulated only by unanimous consent. (1182) 1-52, *Journal*, pp. 113-115, *Record*, pp. 2548, 2549.

There is no rule or practice requiring a recapitulation of the names of those who appear on a call of the House after their names have been called. (248) 1-51, *Journal*, p. 991, *Record*, p. 9184.

546 READING OF MESSAGES—PAPERS.

READING OF MESSAGES.

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A protest against the passage of a bill under suspension of the rules was decided by the House not to present a question of privilege. The Speaker ruled that the paper must be read before the question of privilege could be passed upon. (192) 2-45, *Record* pp. 2717, 2738, 2742, 2753.

READING OF PAPERS—RECAPITULATION. 547

READING OF PAPERS—Continued.

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A Member who proposed to read as part of a personal explanation matter which the House had refused to allow to go into the Congressional Record was permitted to do so, subject to a point of order if there should be anything in violation of the rules governing debate. (1242) 1-49, *Journal*, pp. 2547, 2548, *Record*, pp. 8031 8032.

General provisions.

The Chair may rule an amendment out of order before the reading has been completed, if enough has been read to show that it is not in order. (1248) 2-55, *Record*, p. 2735.

On a motion to commit papers, the reading of them may be demanded, but the rulings differ as to testimony accompanying a report which is to be committed. (1240, 1241) 1-34 *Journal*, p. 1146, *Globe*, p. 1535; 2-50, *Journal*, p. 571, *Record*, p. 2118.

There is no rule requiring that the text of a bill which has been read in the House shall be printed in either the *Journal* or the *Record*. (1683, 1684, 1685) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025; 1-53 *Journal*, p. 125; 1-54, *Record*, p. 47.

A Member may not as a matter of right demand the reading of the reporters' notes. (1683) 2-48, *Journal*, pp. 354, 356, *Record*, pp. 1020, 1021, 1025.

If a paper read by a Member or by the Clerk contain matter not in order, a point of order may be made as if the words were spoken in debate. (1634) 1-49, *Journal*, p. 2547.

The reading of a report, being in the nature of debate, is not in order after the previous question is ordered. (973, 974) 1-23, *Journal*, p. 726; 1-49, *Record*, pp. 7154, 7155.

RECALL OF A BILL.

A bill having been sent from the House to the Senate by error, a resolution to recall it was decided to be privileged. (481) 3-53, *Record*, p. 2093.

Bills that have been sent to the President are sometimes recalled by the House. (479, 480) 1-51, *Journal*, p. 828; 1-54, *Record*, p. 1703.

RECAPITULATION.

The recapitulation of a vote is within the discretion of the Speaker, but he usually allows it if the vote is close. (1188, 1189) 2-51, *Journal*, p. 182, *Record*, p. 1832; 1-54, *Record*, pp. 5206, 5207.

After the announcement of the result a vote may be recapitulated only by unanimous consent. (1182) 1-52, *Journal*, pp. 113-115, *Record*, pp. 2548, 2549.

There is no rule or practice requiring a recapitulation of the names of those who appear on a call of the House after their names have been called. (248) 1-51, *Journal*, p. 991, *Record*, p. 9184.

RECEDE.*Precedence of the motion.*

The parliamentary law governing the precedence and effects of the motions to agree, disagree, recede, insist, and adhere. (1322) *Jefferson's Manual*, section XXXVIII, pp. 163, 164.

The motion to recede has preference, although the previous question has been demanded. (74) 2-50, *Record*, p. 2454.

A motion to recede and concur is in order even after the previous question has been demanded on a motion to insist. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062-4064.

One House may recede from its amendment after the other House has returned it amended. (1354) 2-55, *Record*, pp. 6097, 6099, 6377.

A motion to recede and concur in a Senate amendment with an amendment takes precedence of a motion to further insist on the House's disagreement to the Senate amendment. (1348) 1-55, *Record*, pp. 2641, 2642.

The stage of disagreement having been reached, the motion to recede and concur takes precedence of the motion to recede and concur with an amendment. (1349-1353) 2-53, *Journal*, p. 557, *Record*, p. 8389; 3-53, *Journal*, p. 185, *Record*, p. 3178; 1-54, *Record*, p. 6068; 1-55, *Record*, p. 2661; 2-55, *Record*, p. 6731.

The question on the adoption of a final conference report has precedence of a motion to recede and concur in amendments of the other House. 3-55, *Record*, p. 2927.

While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments (1373) 2-53, *Journal*, pp. 563, 564, *Record*, pp. 8469, 8470.

Respective duties of the House and Senate as to receding from disagreements over appropriation bills. (1365 footnote) 1-54, *Record*, pp. 6379, 6417, 6422; 2-55, *Record*, pp. 6536-6544.

Conditions governing receding and insisting (with or without amendments) in cases arising over amendments between the Houses. (1321) *Jefferson's Manual*, section XLV, p. 174.

Relations to adherence.

After one House has adhered the other may recede or ask a conference, which may be agreed to by the adhering House. (1358-1362) 1-1, *Journal*, pp. 104, 105, 113, 114, 116, 124, 125 (*Gales & Seaton* ed.); 1-2, *Journal*, p. 551 (*Gales & Seaton*); 1-3, *Journal*, p. 133 (*Gales & Seaton*); 1-35, *Journal*, pp. 604, 615, 620, *Globe*, pp. 1544, 1589, 1590.

Pending a demand for the previous question on the motion to adhere, a motion to recede was not entertained. (1362) 1-35, *Journal*, pp. 604, 615, 620, *Globe*, pp. 1544, 1589, 1590.

RECEDE—Continued.

Relations to adherence—Continued.

Where one House has voted at once to adhere the other may insist and ask a conference, but the motion to recede has precedence.

(1364) 1-23, *Journal*, p. 229, *Debates*, pp. 2493, 2494, 2498.

After the House had adhered it reconsidered its action, receded from its disagreement, and agreed to the Senate amendment with an amendment. (1357) 1-1, *Journal*, pp. 107, 108 (*Gales & Seaton ed.*).

RECESS.

Privilege of the motion for.

A motion for a recess is not in order before the Journal has been read.

(222) 2-50, *Record*, pp. 676, 677.

A motion for a recess has been once ruled in order before the approval of the Journal. (224) 2-52, *Journal*, p. 98, *Record*, p. 1863.

When less than a quorum is present a motion for a recess is not in order. (255) 2-29, *Journal*, p. 343, *Globe*, p. 421.

A motion for a recess is not in order during a call of the House. (302, 303) 1-26, *Journal*, p. 843, *Record*, p. 361; 1-48, *Journal*, p. 618.

This motion is not now in the list of privileged motions. (924) *Rule XVI, section 4.*

The motion for a recess is not in order when a question is before the House. (1481) 2-51, *Journal*, p. 346.

The motion for a recess is not privileged against the regular order of business. (1480) 1-51, *Journal*, p. 957, *Record*, p. 8629.

Less than a quorum may not determine to take a recess. (257) 2-32, *Journal*, p. 388.

The point of no quorum being made, a motion for a recess may not be entertained. (265) 2-55, *Record*, p. 6602.

A quorum not being present, a motion for a recess is not in order, and only motions for a call of the House or to adjourn may be entertained. (298) 1-29, *Journal*, p. 355.

In the Forty-eighth Congress it was intimated that in the absence of a quorum a motion for a recess might be made, although a quorum would be required to agree to it. (260) 1-48, *Record*, p. 1217.

A motion to suspend the rules may be entertained pending a motion for a recess, even when the latter motion is highly privileged. (1602) 2-42, *Journal*, p. 1099, *Globe*, pp. 4434, 4435.

Pending a motion to suspend the rules a motion for a recess is not in order. (1569, 1570) 1-45, *Journal*, p. 290, *Record*, pp. 811, 812; 1-53, *Journal*, pp. 174, 175, *Record*, p. 3127.

Taking of.

When the hour previously fixed for a recess arrives the Chair declares the House in recess, even though a quorum be not present. (277, 1482, 1483) 1-51, *Journal*, p. 934, *Record*, p. 8352; 1-48, *Journal*, p. 1117; 1-51, *Journal*, p. 915, *Record*, p. 8035.

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RECESS—Continued.*Taking of*—Continued.

While a motion to suspend the rules was under debate the Speaker declined to declare the House in recess at 5 p. m. Friday. (1593) 1-52, *Journal*, pp. 274, 277, *Record*, p. 5919.

Effect of the terms of a special order upon motions to adjourn and for a recess. (1272-1276) 2-50, *Journal*, pp. 321, 394, *Record*, pp. 1062, 1400; 2-53, *Journal*, pp. 292, 293, 295, 299, *Record*, pp. 3349, 3403; 2-53, *Journal*, p. 454, *Record*, pp. 6906, 6919, 6920; 3-53, *Journal*, pp. 105, 110, 114.

The consideration of a conference report may be interrupted by the arrival of the hour previously fixed for taking a recess. (1396) 1-51, *Journal*, p. 904, *Record*, p. 7380.

A roll call is not interrupted by the arrival of an hour fixed for a recess by rule or prior vote of the House. (1171, 1172) 1-51, *Journal*, p. 934, *Record*, p. 8352; 2-55, *Record*, p. 847.

It is not in order to move to reconsider the vote whereby the House refuses to take a recess. (1199) 2-52, *Journal*, p. 58, *Record*, p. 836.

The House takes a recess each Friday at 5 p. m. until 8 p. m. (1438) *Rule XXVI*, section 2.

When the House adjourns before 5 p. m. Friday the evening session is thereby vacated. (1440) 1-54, *Record*, p. 6174.

After a motion for a recess had been made but before the vote had been taken the hour to which the recess was proposed to be taken arrived. It was nevertheless held that the question should be taken on the motion. (1484) 2-50, *Journal*, p. 195, *Record*, pp. 630, 631.

The House having, at an evening session set apart for a certain class of business, taken a recess until the following day, it was held that the session after the recess was not to be devoted to the same class of business. (1485) 2-48, *Journal*, pp. 536, 537, *Record*, p. 1669.

The Committee of the Whole does not take a recess. (1481, footnote) 2-40, *Globe*, pp. 1543, 1558.

During the session.

When the two Houses adjourn for more than three days and not to or beyond the period fixed by the Constitution or law for the next regular session, the session is not thereby terminated, but continues until an adjournment without day or until the next regular session. (1516, 1517) 1-39, *Journal*, pp. 107, 108, *Globe*, p. 127; 2-39, *Journal*, p. 106, *Globe*, p. 237.

The House may empower a committee to sit during a recess which is within the constitutional session of the House. (658) 2-45, *Journal*, p. 132, *Record*, pp. 228, 231.

A committee, with leave of the House, may sit during the recess between the first and second sessions of Congress. (602, footnote) *Jefferson's Manual*, Section LI, p. 184.

RECOGNITION.

The Speaker's discretion in regard thereto.

Under the rules the Speaker recognizes the Members who address the House. (87) 2-55, *Record*, p. 2328.

The rule regulating the conduct of Members in seeking recognition. (61) *Rule XIV*, section 1.

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There is no appeal from a decision of the Speaker on a question of recognition. (67) 1-51, *Journal*, p. 177, *Record*, p. 981.

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The Member reporting a bill from a committee is entitled to recognition, although another Member may have risen first. (69) 3-27, *Journal*, p. 211.

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A Member of the committee having occupied the floor in favor of the measure, a Member opposing should be recognized, even though he be not a member of the committee. (72) 1-52, *Journal*, p. 152, *Record*, pp. 3429, 3430.

A Member may not, by offering a motion of higher privilege than the pending motion, deprive the member of the committee in charge of the bill of the floor. (74, 75) 2-50, *Record*, p. 2454; 1-54, *Record*, p. 4847.

The chairman of a committee, having in committee opposed a bill, must in the House yield prior recognition to a member of his committee who has favored the bill. (71) 1-49, *Journal*, pp. 2225-2227, *Record*, pp. 7053-7057.

A motion made by the Member in control of a bill being decided adversely, the right to recognition passes to the opponents. (82, 83, 84, 85) 2-54, *Record*, pp. 822, 1071, 1320, 2590.

The gentleman in charge of the bill is recognized anew after he has presented the bill and had it read at the Clerk's desk. (80) 2-55, *Record*, p. 1631.

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RECOGNITION—Continued.*Rights of the Member*—Continued.

The later ruling is that it is in order to make the motion to lay on the table before the Member in charge has begun his remarks. (77, 78) 1-52, *Journal*, p. 290, *Record*, pp. 6126, 6127; 1-55, *Record*, p. 744.

A Member may demand the question of consideration, although the Member in charge of the bill claims the floor for debate; but the previous question may not in a similar manner be demanded. (79) 2-55, *Record*, p. 5763.

The Member in charge of the bill and having the floor may demand the previous question, although another Member may propose to offer a motion of higher privilege; but the motion of higher privilege must be put before the previous question. (81) 1-52, *Journal*, p. 288, *Record*, pp. 6061, 6080.

If, after debate, the Member in charge of a measure does not move the previous question, another Member having the floor may do so. (86) 1-54, *Journal*, p. 484, *Record*, p. 5203.

When suspension of the rules is asked to pass a bill, a Member opposing the bill is entitled to demand a second, and thus control the time in opposition. (76) 2-54, *Record*, p. 2365.

RECOMMIT.*General provisions.*

The parliamentary law as to commitment and recommitment. (995) *Jefferson's Manual*, Section XXVIII, pp. 142, 143.

The motions to refer, commit, and recommit, are in effect one motion, and in general are governed by the same rules. (1010) 1-47, *Journal*, p. 1724, *Record*, p. 6475.

The question as to the extent of debate allowable on a motion to commit. (1042)

A motion to commit may be amended, as by adding, for example, "with instructions to inquire," etc. (1045) *Jefferson's Manual*, Section XXXIII, p. 153.

A report being recommitted the whole question is again before the committee as if nothing had passed. (601) *Jefferson's Manual*, Section XXVIII, p. 142.

When a report is recommitted what has passed before in the committee is of no validity and the whole question is again before the committee. (995) *Jefferson's Manual*, Section XXVIII, p. 142.

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee. (995) *Jefferson's Manual*, Section XXVIII, p. 143.

It is in order for the House to refer a bill to any committee though such committee, under Rule XI, may not have original jurisdiction of such bill. (1023) 1-48, *Journal*, p. 703.

Privileged reports are sometimes printed, and recommitted. (421) 1-54, *Record*, p. 6197.

OATH—Continued.**Member challenged—Continued.**

In a few instances Members-elect challenged because of alleged defects in their credentials have not been allowed to take the oath. 1-38, *Journal*, pp. 6, 7, 9, 12, *Globe*, p. 7; 1-38, *Journal*, p. 13, *Globe*, p. 8; 1-47, *Record*, p. 14.

The Members-elect having denied to a delegation the right of participating in the organization of the House, the Speaker declined to administer to them the oath, although they presented the certificate of the governor of their State. 1-26, *Journal*, pp. 80, 87, 95, *Globe*, pp. 1, 30, 48, 56, 65, 95.

A person who, having taken the oath, afterwards engages in insurrection or rebellion is disqualified as a Member; but the disability may be removed by a two-thirds vote. *Constitution, Article XIV, section 3, p. 31.*

Members elect challenged at the organization of the House for alleged disqualifications have in several cases been sworn in, the question of their qualifications sometimes being referred to a committee for examination. 1-37, *Journal*, p. 12, *Globe*, pp. 6, 7, 13; 1-41, *Journal*, pp. 4, 5, 10, *Globe*, pp. 6, 10, 13; 1-42, *Globe*, pp. 7, 11; 1-43, *Record*, pp. 7, 8; 1-48, *Record*, p. 6.

A Member elect being challenged for alleged disqualification during the swearing in of the Members elect at the time of organization, the Speaker requested him to stand aside, and the House, after debate, voted to refer to a committee the question of the prima facie and final right to the seat. 1-56, *Record*, Dec. 4, 1899.

Members elect presenting themselves to be sworn after the organization of the House have been denied the oath on the ground of alleged disqualifications. 1-40, *Globe*, pp. 468, 469, vol. 64, pp. 502, 503, 514, 699, 700, 774, 777, vol. 65, pp. 894, 909, vol. 69, *Appendix*, p. 145; 2-40, *Journal*, pp. 13, 31, 153, 167, 220, 342, 350, 562, 912, *Globe*, pp. 2072, 3331, 3337, 3340, 3368-3375.

It has been held, although not uniformly, that in cases where the right of a Member elect to take the oath is challenged, the Speaker may direct the Member to stand aside temporarily. 1-41, *Journal*, p. 7, *Globe*, pp. 6, 13; 1-41, *Journal*, p. 7, *Globe*, p. 6; 1-47, *Record*, pp. 9-13.

When Members elect are challenged at the time of taking the oath motions and debate are in order on the questions involved in the challenge; and in a few cases other business has intervened by unanimous consent. 1-37, *Journal*, p. 12, *Globe*, p. 5; 1-41, *Journal*, p. 7, *Globe*, p. 6; 1-45, *Journal*, p. 20, *Record*, p. 69; 1-46, *Record*, pp. 6, 27.

When, at the organization of the House, several Members elect are challenged and stand aside, the question is first taken on the Member elect first required to stand aside. 1-45, *Journal*, p. 15, *Record*, p. 60; 1-44, *Record*, pp. 167-171.

RECOGNITION—Continued.*Rights of the Member*—Continued.

The later ruling is that it is in order to make the motion to lay on the table before the Member in charge has begun his remarks. (77, 78)

1-52, *Journal*, p. 290, *Record*, pp. 6126, 6127; 1-55, *Record*, p. 744.

A Member may demand the question of consideration, although the Member in charge of the bill claims the floor for debate; but the previous question may not in a similar manner be demanded. (79)

2-55, *Record*, p. 5763.

The Member in charge of the bill and having the floor may demand the previous question, although another Member may propose to offer a motion of higher privilege; but the motion of higher privilege must be put before the previous question. (81) 1-52, *Journal*, p. 288, *Record*, pp. 6061, 6080.

If, after debate, the Member in charge of a measure does not move the previous question, another Member having the floor may do so. (86) 1-54, *Journal*, p. 484, *Record*, p. 5203.

When suspension of the rules is asked to pass a bill, a Member opposing the bill is entitled to demand a second, and thus control the time in opposition. (76) 2-54, *Record*, p. 2365.

RECOMMIT.*General provisions.*

The parliamentary law as to commitment and recommitment. (995) *Jefferson's Manual*, Section XXVIII, pp. 142, 143.

The motions to refer, commit, and recommit, are in effect one motion, and in general are governed by the same rules. (1010) 1-47, *Journal*, p. 1724, *Record*, p. 6475.

The question as to the extent of debate allowable on a motion to commit. (1042)

A motion to commit may be amended, as by adding, for example, "with instructions to inquire," etc. (1045) *Jefferson's Manual*, Section XXXIII, p. 153.

A report being recommitted the whole question is again before the committee as if nothing had passed. (601) *Jefferson's Manual*, Section XXVIII, p. 142.

When a report is recommitted what has passed before in the committee is of no validity and the whole question is again before the committee. (995) *Jefferson's Manual*, Section XXVIII, p. 142.

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee. (995) *Jefferson's Manual*, Section XXVIII, p. 143.

It is in order for the House to refer a bill to any committee though such committee, under Rule XI, may not have original jurisdiction of such bill. (1023) 1-48, *Journal*, p. 703.

Privileged reports are sometimes printed, and recommitted. (421) 1-54, *Record*, p. 6197.

OFFICES—OFFICERS OF THE HOUSE. 465

OFFICES—Continued.

The clerk to the Committee on the Post-Office and Post-Roads, being appointed a postmaster, was decided to be entitled to his salary as clerk until his successor was appointed, although his salary as postmaster had already begun. (722) *Decisions First Comptroller (Bowler)* 1893-94, p. 61.

OFFICERS OF THE HOUSE.

The Constitution provides that the House shall choose their Speaker and other officers. (40) *Constitution, Article I, section 2, p. 3.*

The rule providing for the selection and swearing in of the elective officers of the House. (1704) *Rule II.*

The elective officers of the House continue until their successors take office, are sworn to the faithful discharge of their duties, to support the Constitution and keep the secrets of the House, and appoint the employees in their departments. (1704) *Rule II.*

Arrest of one of its officers a high breach of privilege of the House. (43, footnote) 2-6, *Annals*, pp. 887-890.

No change, however unimportant, should be made by an officer of the House in a bill that has received the sanction of the House. (131, footnote) 1-33, *Globe*, p. 2094.

It is in effect an amendment of the rules to impose other duties upon an officer of the House than those already prescribed. (1534) 1-31, *Journal*, p. 456, *Globe*, p. 277.

Questions of privilege involved in alleged misconduct of an officer or employees of the House. (132) 1-44, *Journal*, pp. 868, 948, *Record*, p. 2771.

An officer of the House is defended by the Attorney-General's Department for any act done in the discharge of his official duty. (1709) 18 *Stat. L.*, p. 401.

Certain provisions of the statutes relating to officers and Members. (1709) *Revised Statutes*, section 101; 18 *Stat. L.*, p. 401; 23 *Stat. L.*, p. 60; 28 *Stat. L.*, p. 771.

No officer or employee of the House shall be an agent for the prosecution of a claim against the Government. (1703) *Rule XLIII.*

It is the duty of the Committee on Accounts to inquire into and report violations of the rule forbidding officers or employees to be claim agents. (1703) *Rule XLIII.*

The publication by the Public Printer of an article alleged to be for the purpose of exciting unlawful violence among Members has been considered a matter of privilege. (121) 1-33, *Journal*, p. 965, *Globe*, p. 1361.

Neither House may exercise any authority over a member or officer of the other. (907) *Jefferson's Manual*, section XVII, p. 132.

The Clerk pays the officers and employees monthly. (1712) *Rule III*, section 3.

RECOMMIT—Continued.**With instructions—Motions not in order**—Continued.

It is not in order to move to recommit a bill with instructions to the committee to report an amendment which is not germane. (1023–1031) 1–48, *Journal*, pp. 703, 1247, *Record*, pp. 4256, 4257; 2–35, *Journal*, p. 389, *Globe*, pp. 1007, 1009; 2–53, *Journal*, pp. 446, 453, *Record*, pp. 6739, 6908; 2–51, *Journal*, p. 165, *Record*, p. 1638; 1–55, *Record*, pp. 939, 1187; 2–55, *Record*, p. 811.

It is not in order to move to recommit with instructions to report an amendment which would be a change of existing law. (1039, 1040) 2–52, *Journal*, p. 96, *Record*, p. 1754; 2–53, *Journal*, p. 436, *Record*, pp. 6433, 6434.

It is not in order to recommit a bill with instructions to report as an amendment matter which has just been stricken out by a vote of the House. (1035) 1–49, *Journal*, p. 2363, *Record*, p. 7613.

It is in order to move to recommit with instructions to strike out one of several propositions that have been inserted by an amendment agreed to by the House. (1041) 3–53, *Journal*, pp. 156–158, *Record*, p. 2729.

With instructions—General provisions.

A motion to recommit a bill, with instructions to bring the same subject-matter back in the form of a joint resolution, is in order. (1012) 1–49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695.

The previous question not being asked or ordered, the motion to commit is amendable, as by adding instructions. (1010) 1–47, *Journal*, p. 1724, *Record*, p. 6475.

The motion to recommit with instructions may be made before the engrossment of a bill (the previous question not being ordered) and is debatable. 3–55, *Record*, pp. 595, 597.

On a motion to recommit with instructions it is in order to direct the committee as to when they shall report back the bill. (700, 701) 1–51, *Journal*, p. 713, *Record*, p. 5813, 2–51, *Journal*, pp. 312–321, *Record*, pp. 3505–3508.

A bill recommitted with instructions to report forthwith may be reported immediately by the chairman without formal action of the committee. (702) 2–51, *Journal*, pp. 312–321, *Record*, pp. 3505–3508.

A bill may be recommitted with instructions that it be reported “forthwith,” and this report may be made at once by the chairman of the committee, and is not subject to the point that it must be considered in Committee of the Whole if it has previously been considered there. (1022) 2–51, *Journal*, pp. 312–321, *Record*, pp. 3505–3508.

A bill having been recommitted to a committee, with leave to report at any time, and being immediately reported by the chairman, is subject to the point of order that the committee have not considered it. (699) 2–50, *Journal*, p. 536, *Record*, p. 2028.

RECOMMIT—Continued.*With instructions—General provisions—Continued.*

On a motion to recommit with instructions, the instructions may not authorize the committee to report at any time, as such would be a change of the rules. (1020, 1021) 2-44, *Journal*, p. 297, *Record*, p. 926; 2-47, *Journal*, p. 229, *Record*, pp. 1147-1148.

A resolution to commit, which creates a select committee, may at the same time, as part of the instructions to the committee, give to it the power to send for persons and papers. (1020) 2-44, *Journal*, p. 297, *Record*, p. 926.

A bill being recommitted to a committee with instructions to reexamine and amend a certain portion, it is not in order for the committee to review other portions of the bill. (1003) 1-54, *Record*, p. 1342.

The point having been made that the House alone might not recommit with instructions to a joint committee created by act of Congress, the Speaker held that it was for the House, and not the Chair, to decide upon the effect of their action. (1002) 1-32, *Journal*, p. 611.

A select committee that has reported, and consequently become dissolved, may be revived by a vote referring a matter to it or by a recommittal; but in case of recommittal with instructions the committee must, in reporting, confine themselves to the instructions. (693, 694, 695) 2-37, *Journal*, p. 874, *Globe*, pp. 2764, 2790; 3-37, *Journal*, pp. 487, 489, *Globe*, p. 1295.

In relation to the previous question.

It is in order, pending the motion for or after the previous question has been ordered on the passage of a bill to submit a motion to commit, with or without instructions, to a standing or select committee. (959) *Rule XVII*, section 1.

Before the adoption of rules the motion to recommit is in order pending the demand for the previous question or after it is ordered. (998) 1-53, *Journal*, pp. 8, 9.

The motion to commit under section 1 of Rule XVII is not in order before the engrossment and third reading, although the previous question may be ordered on the engrossment and third reading to the passage at one vote. (1015-1017) 1-54, *Record*, p. 5753; 2-55, *Record*, pp. 3015, 4649.

The motion to recommit made before the engrossment (under section 4 of Rule XVI) is cut off by the ordering of the previous question on the bill to the passage. 3-55, *Record*, pp. 595, 597.

The motion to recommit may be made after the engrossment and third reading of a bill, even though the previous question may not have been ordered. 3-55, *Record*, p. 1960.

Only one motion to commit is in order pending the demand for the previous question on the passage of a bill, or after the previous question is ordered. (1014) 1-48, *Journal*, pp. 338, 339, *Record*, p. 466.

RECOMMIT—Continued.*With instructions—Motions not in order*—Continued.

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With instructions—General provisions—Continued.

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Only one motion to commit is in order pending the demand for the previous question on the passage of a bill, or after the previous question is ordered. (1014) 1-48, *Journal*, pp. 338, 339, *Record*, p. 466.

RECOMMIT—Continued.*In relation to the previous question*—Continued.

The motion to commit under section 1 of Rule XVII is subject to amendment but is not debatable. (1012) *1-49, Journal, pp. 378, 379, Record, pp. 694, 695.*

The motion to commit under section 1 of Rule XVII is amendable under the rules of the House unless the previous question is ordered upon it. (1011-1013) *1-48, Journal, p. 1430; 1-49, Journal, pp. 378, 379, Record, pp. 694, 695; 3-53, Journal, pp. 28, 29, Record, p. 230.*

When the previous question has been ordered on a resolution and a proposed amendment in the nature of a substitute, the motion to recommit is in order after the disposal of the substitute and when the question is pending on the passage. (1007-1009) *1-52, Journal, pp. 154, 155, Record, p. 3538; 1-51, Journal, p. 1014, Record, p. 3749; 1-54, Record, p. 4242.*

The previous question having been ordered on the resolutions in a contested election case and on a substitute therefor, a motion to recommit with instructions was held in order after the substitute had been voted on and when the question was on the final disposition of the resolutions. (1004) *1-52, Journal, p. 156, Record, pp. 3538-3540.*

The term "bill" as used in Rule XVII is a generic term and includes all legislative propositions which can come before the House. (458, 1006), *1-48, Journal, p. 1296, Record, p. 4403.*

The previous question having been ordered and a motion to recommit having been made pending the vote on the passage, it was held that a motion to lay on the table the motion to recommit was not in order. (1000) *1-52, Journal, pp. 154, 155, Record, p. 3540.*

The question on the engrossment and third reading of a bill being determined in the negative, the motion to recommit under section 1 of Rule XVII may not be made. (1018, 1019) *3-53, Journal, p. 114; 2-54, Record, pp. 690, 725.*

A bill recommitted with instructions under section 1 of Rule XVII, and reported back, must again be passed to be engrossed and read a third time; and, this having been done, may be again the subject of a motion to recommit when the question recurs on the passage. (996) *1-49, Journal, pp. 2168-2170, Record, pp. 6757, 6758.*

The vote whereby a bill was passed having been reconsidered, amendments having been made and the third reading ordered again, a motion to recommit was held to be in order, although such a motion had previously been rejected. (997) *1-51, Journal, p. 946, Record, pp. 8473-8476.*

While the simple motion to refer a vetoed bill is in order, it is not permissible to move to commit pending the demand for the previous question on the motion to reconsider the bill or after the previous question is ordered. (1479) *1-47, Journal, p. 1792, Record, p. 6803.*

RECOMMIT—Continued.

In relation to the previous question—Continued.

After the previous question is ordered on a report from the Committee on Rules the motion to recommit is admitted under the more recent practice of the House, although the rulings conflict. (1552-1555) 2-53, *Journal*, pp. 71, 72, *Record*, p. 534; 2-53, *Journal*, pp. 279, 280, *Record*, p. 3284; 1-54, *Record*, pp. 5382, 5469.

The motion to commit after the engrossment and third reading, and its relation to the terms of special orders. (1277-1279) 2-50, *Record*, pp. 1062, 1401; 3-53, *Journal*, p. 102; 1-55, *Record*, pp. 71, 556.

In relation to Committee of Whole.

A bill which has been considered in the Committee of the Whole, and then by the House has been recommitted to a standing committee, is not, when again reported to the House, necessarily subject to the point of order that it must be considered in Committee of the Whole. (799, 800) 1-50, *Record*, p. 4793; 1-54, *Record*, p. 3781.

A bill being under consideration in the House as in Committee of the Whole, a motion to recommit was decided to be in order, although the reading by sections had not been entered upon. (806) 1-52, *Journal*, pp. 31, 32, *Record*, pp. 303, 432.

The Committee of the Whole having decided between two propositions, and the House having agreed to the amendment embodying that decision, it was held to be in order in the House to move to recommit with instructions that in effect brought the two propositions to the decision of the House. 3-55, *Record*, pp. 2255, 2257.

A bill being reported from the Committee of the Whole with an adverse recommendation, and the House having disagreed to the recommendation, the bill stands recommitted. (938) *Rule XXIII*, section 7.

When the House disagrees to the recommendation of the Committee of the Whole that the enacting clause of a bill be stricken out, the bill goes to the first place on the Calendar of the Committee of the Whole. (942) 1-51, *Record*, pp. 2237, 2238.

The Committee of the Whole sometimes reports a bill with the recommendation that it be recommitted to a standing committee with certain instructions. (748) 1-51, *Record*, p. 7263.

In Committee of the Whole a motion to report a bill with the recommendation that it lie on the table has precedence of the recommendation that it be postponed to a day certain or be recommitted to a standing committee. (747) 2-55, *Record*, pp. 3923, 3924.

The Committee of the Whole having made a report which was not in order, the matter was decided to stand recommitted to the Committee of the Whole without further action. (749) 1-51, *Journal*, p. 485, *Record*, p. 3504.

RECOMMIT—Continued.*In relation to the previous question*—Continued.

The motion to commit under section 1 of Rule XVII is subject to amendment but is not debatable. (1012) *1-49, Journal, pp. 378, 379, Record, pp. 694, 695.*

The motion to commit under section 1 of Rule XVII is amendable under the rules of the House unless the previous question is ordered upon it. (1011-1013) *1-48, Journal, p. 1430; 1-49, Journal, pp. 378, 379, Record, pp. 694, 695; 3-53, Journal, pp. 28, 29, Record, p. 230.*

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The vote whereby a bill was passed having been reconsidered, amendments having been made and the third reading ordered again, a motion to recommit was held to be in order, although such a motion had previously been rejected. (997) *1-51, Journal, p. 946, Record, pp. 8473-8476.*

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RECOMMIT—Continued.*In relation to the previous question*—Continued.

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In relation to Committee of Whole.

A bill which has been considered in the Committee of the Whole, and then by the House has been recommitted to a standing committee, is not, when again reported to the House, necessarily subject to the point of order that it must be considered in Committee of the Whole. (799, 800) 1-50, *Record*, p. 4793; 1-54, *Record*, p. 3781.

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The Committee of the Whole having made a report which was not in order, the matter was decided to stand recommitted to the Committee of the Whole without further action. (749) 1-51, *Journal*, p. 485, *Record*, p. 3504.

RECOMMIT—Continued.*In relation to Committee of the Whole*—Continued.

A bill which had been considered in Committee of the Whole, and had been recommitted with instructions to strike out a clause, was held not subject to the point that it should go to the Committee of the Whole when again reported. (996) 1-49, *Journal*, pp. 2168-2170, 6757, 6758.

A bill reported to the House for printing, and recommitted, is, when reported for consideration, subject to the point of order that it must be considered in Committee of the Whole. (999) 1-51, *Journal*, p. 830, *Record*, pp. 701, 5441.

RECONSIDER.*Making the motion.*

The motion to reconsider may be made on the same or succeeding day, and after the said succeeding day may not be withdrawn, and there-after any Member may call it up; but in the last six days of a session the motion must be disposed of when made. (1190) *Rule XVIII*, section 1.

Any Member of the majority may make the motion to reconsider, which takes precedence of all questions except conference reports and motions to adjourn. (1190) *Rule XVIII*, section 1.

Where there has been no yea-and-nay vote any Member, irrespective of whether or not he voted with the majority, may make the motion to reconsider. (1192, 1193, 1228) 2-53, *Journal*, p. 149, *Record*, p. 2034; 1-54, *Record*, p. 5298; 1-45, *Journal*, p. 290, *Record*, pp. 811, 812.

A Delegate may make any motion which a Member may make, except the motion to reconsider. (38) 1-31, *Journal*, p. 1280.

In committees Delegates possess the same powers and privileges as in the House, and may make any motion except to reconsider. (609) *Rule XII*.

A Member may make the motion to reconsider at any time, without thereby abandoning a prior motion made by himself and pending. (1218) 1-53, *Journal*, pp. 172, 173, *Record*, p. 3122.

A motion to reconsider, having been once made and decided, may not be repeated unless an amendment has been adopted since the first reconsideration. (1222-1224) 2-27, *Journal*, p. 1022, *Globe*, p. 688; 1-28, *Journal*, p. 618, *Globe*, p. 414; 1-31, *Journal*, pp. 1402, 1404-1407, *Globe*, p. 1762.

A motion to reconsider may be entertained notwithstanding the fact that the papers connected with the proposition may have gone out of the possession of the House. (1207-1210) 1-26, *Journal*, p. 1033, *Globe*, p. 124; 1-28, *Journal*, pp. 1125, 1131, *Globe*, p. 686; 1-29, *Journal*, p. 657; 1-33, *Journal*, pp. 336, 1199, *Globe*, pp. 375, 1913.

RECONSIDER—Continued.

Making the motion—Continued.

A motion to reconsider the vote whereby the House resolves itself into Committee of the Whole has been entertained when made before the Speaker had left the chair. (1491) 2-49, *Journal*, p. 384, *Record*, p. 917.

Effect and nature of.

Where a motion to reconsider has been passed in the affirmative the question immediately recurs upon the question reconsidered. (1235) 1-31, *Journal*, p. 847, *Globe*, p. 832.

Discussion of the effect of the motion to reconsider. (1194) 2-55, *Record*, pp. 1777, 1918, 1942-1945.

It is in order to call up a motion to reconsider at any time, but until it is called up the motion is not the regular order. (1214) 2-52, *Journal*, pp. 41-43, *Record*, p. 549.

While the motion to reconsider may be entered at any time during the two days prescribed by the rule, even after the previous question is ordered or when a question of the highest privilege is pending, it may not be considered while another question is before the House. (1215-1217) 1-34, *Journal*, pp. 1476, 1477, *Globe*, pp. 1525, 2166; 2-53, *Journal*, pp. 327, 328, *Record*, pp. 3704-3708.

When a motion to reconsider relates to a bill belonging to a particular class of business, the consideration of the motion is in order only when that class of business is in order. (1219, 1220) 2-52, *Journal*, pp. 13, 14, *Record*, p. 34; 1-54, *Record*, p. 5298.

A motion to reconsider is not debatable if the question proposed to be reconsidered was not debatable. (1211-1213) 2-27, *Journal*, p. 231, *Globe*, p. 218; 2-30, *Journal*, p. 135, *Globe*, p. 84; 2-45, *Journal*, p. 592, *Record*, pp. 1486, 1487.

A motion to reconsider made by a Member supposed to have voted with the prevailing side was treated as a nullity when a correction of the vote showed that the Member really had voted on the side which did not prevail. (234) 1-29, *Journal*, p. 1032, *Globe*, p. 1058.

No bill referred to a committee may be brought back into the House on a motion to reconsider. (1191) *Rule XVIII*, section 2.

Interpretation of the rule that a bill may not be brought back from a committee by a motion to reconsider. (1195, 1196) 3-53, *Journal*, p. 22; 1-54, *Record*, p. 5208.

After the House had adhered it reconsidered its action, receded from its disagreement, and agreed to the Senate amendment with an amendment. (1357) 1-1, *Journal*, pp. 107, 108 (*Gales & Seaton*).

The House may agree to a conference without reconsidering its vote to adhere. (1362) 1-35, *Journal*, pp. 604, 615, 620, *Globe*, pp. 1544, 1589, 1590.

RECOMMIT—Continued.*In relation to Committee of the Whole*—Continued.

A bill which had been considered in Committee of the Whole, and had been recommitted with instructions to strike out a clause, was held not subject to the point that it should go to the Committee of the Whole when again reported. (996) 1-49, *Journal*, pp. 2168-2170, 6757, 6758.

A bill reported to the House for printing, and recommitted, is, when reported for consideration, subject to the point of order that it must be considered in Committee of the Whole. (999) 1-51, *Journal*, p. 830, *Record*, pp. 701, 5441.

RECONSIDER.*Making the motion.*

The motion to reconsider may be made on the same or succeeding day, and after the said succeeding day may not be withdrawn, and thereafter any Member may call it up; but in the last six days of a session the motion must be disposed of when made. (1190) *Rule XVIII*, section 1.

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RECONSIDER—Continued.*Effect and nature of*—Continued.

The previous question having been ordered on a motion and then reconsidered, both the motion for the previous question and the original motion may be withdrawn. (937) 2-53, *Journal*, p. 345, *Record*, p. 3911.

When a vote taken under the operation of the previous question is reconsidered, the question stands divested of the previous question and may be debated and amended. (991-994) 1-27, *Journal* pp. 47, 61, 128, 129, *Globe* p. 53; 1-33, *Journal* p. 127; 3-34, *Journal* p. 452, *Globe* p. 729; 1-54, *Record* p. 3722.

Pending the demand for the previous question on the passage of a bill, it is not in order to debate a motion to reconsider the vote on its third reading, but the motion must be disposed of without debate. (972) 1-34, *Journal* p. 1009, *Globe* pp. 1259, 1260.

The right of the "mover, proposer, or introducer of the matter pending" to speak in reply does not apply to a Member who has moved to reconsider the vote on a bill which he did not report. (865) 1-44, *Record* pp. 382, 390.

When not in order.

It is not in order to move the reconsideration of any action after such subsequent proceedings have been had as to render it impossible for the House to reverse that action. (1202) 1-31, *Journal*, pp. 860, 861. Conferees having been appointed, it is too late to reconsider the vote whereby the House has disagreed to a Senate amendment. (1205) 1-54, *Record*, p. 6360.

The previous question may not be reconsidered after it has been partly executed. (1203, 1204) 1-31, *Journal*, pp. 1074, 1101, 1398; 1-31, *Globe*, p. 1352.

In one instance the Chair has allowed the reconsideration of an order that was partly executed. (1206) 2-53; *Journal*, p. 149, *Record*, p. 2035.

A vote on the reconsideration of a vetoed bill may not be reconsidered. (1200) 1-28, *Journal*, pp. 1093, 1097, *Globe*, pp. 665-675.

A motion to reconsider a vote upon a motion to suspend the rules is not in order. (1201) 2-31, *Journal*, p. 134, *Globe*, pp. 182, 225.

It is not in order to move to reconsider a vote whereby the House has refused to adjourn. (1197, 1198) 2-45, *Journal*, p. 139, *Record*, p. 243; 1-50, *Record*, p. 2706.

It is not in order to move to reconsider the vote whereby the House refuses to take a recess. (1199) 2-52, *Journal*, p. 58, *Record*, p. 836.

Where a special order prohibited "intervening motions" between the vote on an amendment and the final vote, it was held that the motion to reconsider was not in order. (1283) 2-53, *Journal*, pp. 304, 305, *Record*, pp. 3421, 3422.

RECONSIDER—Continued.

When not in order—Continued.

The motion to reconsider, for the previous question, and to adjourn are not in order in Committee of the Whole. (744) *Jefferson's Manual, Sections XII, XXVI, pp. 124, 141.*

It is in order pending the demand for the previous question on the passage of a bill to move the reconsideration of the vote on engrossment. (1221) 2-27, *Journal, p. 1175, Globe, p. 799.*

It is not in order to reconsider the vote whereby the House refused to consider a bill. 3-55, *Record, p. 197.*

In absence of a quorum.

It has been decided that during a call of the House the motion to reconsider might be entertained and might be laid on the table, although there was no quorum. (318) 2-52, *Journal, p. 77, Record, p. 1259.*

A quorum not being present, an appeal has been entertained, and a motion to lay that appeal on the table, but a motion to reconsider was ruled out of order. (299) 1-44, *Journal, p. 1492, Record, pp. 5647, 5649.*

Less than a quorum being sufficient to dispense with proceedings under a call, the same vote is sufficient on reconsideration and on a motion to table the motion to reconsider. (319) 2-43, *Record, p. 1731.*

In relation to yeas and nays.

The order of the yeas and nays may be reconsidered by a majority vote, but they may be demanded again and ordered by one-fifth. (1225-1229) 1-19, *Journal, p. 796, Debates, pp. 2458, 2490; 1-30, Journal, p. 405, Globe, p. 344; 2-30, Globe, p. 623; 1-45, Journal, p. 290, Record, pp. 811, 812; 1-54, Record, p. 5318.*

A quorum is not necessary on a motion to reconsider the vote whereby the yeas and nays were ordered. (1230) 1-50, *Record, p. 7546.*

Decisions as to demanding the yeas and nays on motions relating to a reconsideration of an order of the yeas and nays. (1228, 1229) 1-45, *Journal, p. 290, Record, pp. 811, 812; 1-54, Record, p. 5318.*

In relation to motion to lay on the table.

A motion to reconsider a vote laying a motion to reconsider on the table is not in order. (1231, 1232) 3-27, *Journal, pp. 310, 328, 334, Globe, p. 256; 1-33, Journal, p. 357, Globe, pp. 397.*

It is not in order to move to reconsider the vote whereby an appeal from a decision of the Chair is laid on the table. (1231 footnote) 1-33, *Journal, pp. 735, 762.*

A negative vote on a motion to lay on the table may be reconsidered. (1233, 1234) 2-32, *Journal, p. 234; 1-52, Journal, pp. 113-115, Record, p. 2550.*

The question as to whether or not an affirmative vote on the motion to lay on the table may be reconsidered. (1231 footnote) 2-54 *Record, p. 1947; 2-55, Record, p. 2448; 1-35, Journal, pp. 1118, 1136, Globe, pp. 3026, 3030, 3045.*

RECONSIDER—Continued.*Effect and nature of*—Continued.

The previous question having been ordered on a motion and then reconsidered, both the motion for the previous question and the original motion may be withdrawn. (937) 2-53, *Journal*, p. 345, *Record*, p. 3911.

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RECONSIDER—Continued.*When not in order*—Continued.

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In relation to motion to lay on the table.

A motion to reconsider a vote laying a motion to reconsider on the table is not in order. (1231, 1232) *3-27, Journal, pp. 310, 328, 334, Globe, p. 256; 1-33, Journal, p. 357, Globe, pp. 397.*

It is not in order to move to reconsider the vote whereby an appeal from a decision of the Chair is laid on the table. (1231 footnote) *1-33, Journal, pp. 735, 762.*

A negative vote on a motion to lay on the table may be reconsidered. (1233, 1234) *2-32, Journal, p. 234; 1-52, Journal, pp. 113-115, Record, p. 2550.*

The question as to whether or not an affirmative vote on the motion to lay on the table may be reconsidered. (1231 footnote) *2-54 Record, p. 1947; 2-55, Record, p. 2448; 1-35, Journal, pp. 1118, 1136, Globe, pp. 3026, 3030, 3045.*

RECONSIDER—Continued.

In relation to motion to lay on the table—Continued.

The vote whereby the House refuses to lay a bill on the table having been once reconsidered, a second motion to reconsider such vote is not in order. (1234) 1-52, *Journal*, pp. 113-115, *Record*, p. 2550.

RECORD.

See *Congressional Record*.

The publication and distribution of the Congressional Record. (1679) 28 *Stat. L.*, pp. 603, 617, 618; 29 *Stat. L.*, p. 454; 18 *Stat. L.*, p. 347.

RECORDS OF A COMMITTEE.

It is not in order in the House to refer to the proceedings of a committee, or to read from the records thereof, except by authority of the committee. (713-716) 1-26, *Journal*, pp. 418, 423, *Globe*, p. 213; 1-31, *Journal*, p. 393, *Globe*, p. 214; 2-51, *Journal*, pp. 67, 174, *Record*, pp. 647, 1787, 1788.

REFER.*General provisions.*

The motions to refer, commit, and recommit are, in effect, one motion, and are in general governed by the same rules. (1010) 1-47, *Journal*, p. 1724, *Record*, p. 6475.

The parliamentary law as to commitment and recommitment. (995) *Jefferson's Manual*, Section XXVIII, pp. 142, 143.

It is a privileged motion and has a precedence determined by rule. (924) *Rule XVI*, section 4.

The question as to the extent of debate allowable on a motion to commit. (1042) 2-52, *Journal*, p. 101, *Record*, p. 1956.

This motion, being once put and decided, is not allowable again on the same day at the same stage of the proceedings. (924) *Rule XVI*, section 4.

It is in order for the House to refer a bill to any committee, though such committee under Rule XI may not have original jurisdiction of such bill. (1023) 1-48, *Journal*, p. 703.

The previous question not being asked or ordered, the motion to commit is amendable, as by adding instructions. (1010) 1-47, *Journal*, p. 1724, *Record*, p. 6475.

When a report is recommitted, what has passed before in the committee is of no validity, and the whole question is again before the committee. (995) *Jefferson's Manual*, Section XXVIII, p. 142.

On a motion to commit papers, the reading of them may be demanded; but the rulings differ as to testimony accompanying a report which is to be committed. (1240, 1241) 1-34, *Journal*, p. 1146, *Globe*, p. 1535; 2-50, *Journal*, p. 571, *Record*, p. 2118.

A concurrent resolution fixing the day for final adjournment is privileged, but is subject to the motion to commit. (1520) 1-50, *Journal*, p. 2941, *Record*, pp. 9546, 9547.

REFER—Continued.**General provisions**—Continued.

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee. (985) *Jefferson's Manual, Section XXVIII, p. 143.*

A bill reported to the House for printing and recommitted is, when reported for consideration, subject to the point of order that it must be considered in Committee of the Whole. (999) *1-51, Journal, p. 830, Record, pp. 701, 5441.*

In Committee of the Whole the motion to report a bill with the recommendation that it be referred takes precedence of the motion to report it with the recommendation that it do pass. (745) *1-54, Record, p. 889.*

A bill being reported from the Committee of the Whole with an adverse recommendation, it is in order to move to refer to a committee before the question is put on concurrence. (938) *Rule XXIII, section 7.*

Before the stage of disagreement has been reached the motion to refer Senate amendments has precedence of the motion to concur. (1343-1346) *1-48, Record, p. 3942; 2-52, Journal, p. 101, Record, p. 1954; 2-54, Record, p. 372; 2-55, Record, pp. 839, 840.*

With instructions.

A motion to commit may be amended, as by adding, for example, "with instructions to inquire," etc. (1045) *Jefferson's Manual, Section XXXIII, p. 153.*

It is not in order to move to commit with instructions a matter which is committed for the first time. (1541) *1-46, Journal, p. 437.*

A division of the question is not in order on a motion to commit with instructions or on the different branches of the instructions. (1134-1136) *1-17, Journal, p. 507; 1-31, Journal, pp. 1395-1397, Globe, p. 1756; 1-32, Journal, p. 611, Globe, p. 1124.*

It is in order to move to recommit with instructions to strike out one of several propositions that have been inserted by an amendment agreed to by the House. (1041) *3-53, Journal, pp. 156-158, Record, p. 2729.*

It is not in order to recommit a bill with instructions to report as an amendment matter which has just been stricken out by a vote of the House. (1035) *1-49, Journal, p. 2363, Record, p. 7613.*

It is not in order to do indirectly by a motion to recommit with instructions what would not be in order directly as an amendment. (1024, 1029, 1031-1039) *1-48, Journal, p. 1247, Record, pp. 4256, 4257; 1-49, Journal, pp. 702, 703, Record, pp. 1619, 1620; 2-55, Record, p. 811; 2-52, Journal, p. 96, Record, p. 1754; 2-53, Journal, pp. 256-258, Record, p. 3155; 3-55, Record, p. 1960, Journal, pp. 170, 174.*

RECONSIDER—Continued.

In relation to motion to lay on the table—Continued.

The vote whereby the House refuses to lay a bill on the table having been once reconsidered, a second motion to reconsider such vote is not in order. (1234) 1-52, *Journal*, pp. 113-115, *Record*, p. 2550.

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It is in order for the House to refer a bill to any committee, though such committee under Rule XI may not have original jurisdiction of such bill. (1023) 1-48, *Journal*, p. 703.

The previous question not being asked or ordered, the motion to commit is amendable, as by adding instructions. (1010) 1-47, *Journal*, p. 1724, *Record*, p. 6475.

When a report is recommitted, what has passed before in the committee is of no validity, and the whole question is again before the committee. (995) *Jefferson's Manual*, Section XXVIII, p. 142.

On a motion to commit papers, the reading of them may be demanded; but the rulings differ as to testimony accompanying a report which is to be committed. (1240, 1241) 1-34, *Journal*, p. 1146, *Globe*, p. 1535; 2-50, *Journal*, p. 571, *Record*, p. 2118.

A concurrent resolution fixing the day for final adjournment is privileged, but is subject to the motion to commit. (1520) 1-50, *Journal*, p. 2941, *Record*, pp. 9546, 9547.

REFER—Continued.**General provisions**—Continued.

A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee. (995) *Jefferson's Manual, Section XXVIII, p. 143.*

A bill reported to the House for printing and recommitted is, when reported for consideration, subject to the point of order that it must be considered in Committee of the Whole. (999) 1-51, *Journal, p. 830, Record, pp. 701, 5441.*

In Committee of the Whole the motion to report a bill with the recommendation that it be referred takes precedence of the motion to report it with the recommendation that it do pass. (745) 1-54, *Record, p. 889.*

A bill being reported from the Committee of the Whole with an adverse recommendation, it is in order to move to refer to a committee before the question is put on concurrence. (938) *Rule XXIII, section 7.*

Before the stage of disagreement has been reached the motion to refer Senate amendments has precedence of the motion to concur. (1343-1346) 1-48, *Record, p. 3942; 2-52, Journal, p. 101, Record, p. 1954; 2-54, Record, p. 372; 2-55, Record, pp. 839, 840.*

With instructions.

A motion to commit may be amended, as by adding, for example, "with instructions to inquire," etc. (1045) *Jefferson's Manual, Section XXXIII, p. 153.*

It is not in order to move to commit with instructions a matter which is committed for the first time. (1541) 1-46, *Journal, p. 437.*

A division of the question is not in order on a motion to commit with instructions or on the different branches of the instructions. (1134-1136) 1-17, *Journal, p. 507; 1-31, Journal, pp. 1395-1397, Globe, p. 1756; 1-32, Journal, p. 611, Globe, p. 1124.*

It is in order to move to recommit with instructions to strike out one of several propositions that have been inserted by an amendment agreed to by the House. (1041) 3-53, *Journal, pp. 156-158, Record, p. 2729.*

It is not in order to recommit a bill with instructions to report as an amendment matter which has just been stricken out by a vote of the House. (1035) 1-49, *Journal, p. 2363, Record, p. 7613.*

It is not in order to do indirectly by a motion to recommit with instructions what would not be in order directly as an amendment. (1024, 1029, 1031-1039) 1-48, *Journal, p. 1247, Record, pp. 4256, 4257; 1-49, Journal, pp. 702, 703, Record, pp. 1619, 1620; 2-55, Record, p. 811; 2-52, Journal, p. 96, Record, p. 1754; 2-53, Journal, pp. 256-258, Record, p. 3155; 3-55, Record, p. 1960, Journal, pp. 170, 174.*

REFER—Continued.*With instructions*—Continued.

It is not in order to move to recommit with instructions to report an amendment which would be a change of existing law. (1039, 1040) 2-52, *Journal*, p. 96, *Record*, p. 1754; 2-53, *Journal*, p. 436, *Record*, pp. 6433, 6434.

It is not in order to move to recommit a bill with instructions to the committee to report an amendment which is not germane. (1023-1031) 1-48, *Journal*, pp. 703, 1247, *Record*, pp. 4256, 4257; 2-35, *Journal*, p. 389, *Globe*, pp. 1007, 1009; 2-53, *Journal*, pp. 446, 453, *Record*, pp. 6739, 6908; 2-51, *Journal*, p. 165, *Record*, p. 1638; 1-55, *Record*, pp. 939, 1187; 2-55, *Record*, p. 811.

A motion to recommit a bill with instructions to bring the same subject-matter back in the form of a joint resolution is in order. (1012) 1-49, *Journal*, pp. 378, 379, *Record*, pp. 694, 695.

A bill may be recommitted with instructions that it be reported "forthwith," and this report may be made at once by the chairman of the committee, and is not subject to the point that it must be considered in Committee of the Whole if it has previously been considered there. (1022) 2-51, *Journal*, pp. 312-321, *Record*, pp. 3505-3508.

On a motion to recommit with instructions the instructions may not authorize the committee to report at any time, as such would be a change of the rules. (1020, 1021) 2-44, *Journal*, p. 297, *Record*, p. 926; 2-47, *Journal*, p. 229, *Record*, pp. 1147, 1148.

A resolution to commit which creates a select committee may at the same time, as part of the instructions to the committee, give to it the power to send for persons and papers. (1020) 2-44, *Journal*, p. 297, *Record*, p. 926.

A bill being recommitted to a committee with instructions to reexamine and amend a certain portion, it is not in order for the committee to review other portions of the bill. (1003) 1-54, *Record*, p. 1342.

A motion to recommit with instructions, made before the engrossment, is cut off by the ordering of the previous question on the bill to the passage. 3-55, *Record*, pp. 595, 597.

The motion to recommit with instructions may be made before the engrossment of a bill (the previous question not being ordered) and is debatable. 3-55, *Record*, pp. 595, 597.

The point being made that the House alone might not recommit with instructions to a joint committee created by act of Congress, the Speaker held that it was for the House and not the Chair to decide upon the effect of their action. (1002) 1-32, *Journal*, p. 611.

Relation to conference reports.

It is not in order to recommit a conference report to the committee of conference. (1412) 2-49, *Record*, p. 880.

REFER—Continued.***Relation to conference reports—Continued.***

A conference report made first in the Senate and there recommitted and again reported was acted on by the House after the Senate had agreed to it. 3-55, *Record*, pp. 2823, 2842, 2843, 2923-2925.

A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (1410, 1411) 2-27, *Journal*, p. 1248, *Globe*, p. 868; 1-49, *Journal*, p. 2515, *Record*, p. 7932.

A conference report may not be referred to a standing committee. (1413) 2-55, *Record*, p. 4636.

Presidents' messages.

The method of referring and distributing the Presidents' annual messages (1461, 1462) 2-55, *Record*, p. 11; 1-54, *Record*, p. 26; 1-52, *Record*, p. 20; 1-51, *Record*, pp. 92, 188.

The House has decided that a veto message may be referred to a committee even without the bill. (1478) 2-27, *Journal*, pp. 1253-1257, *Globe*, pp. 873, 875, 905.

While the simple motion to refer a vetoed bill is in order, it is not permissible to move to commit pending the demand for the previous question on the motion to reconsider the bill or after the previous question is ordered. (1479) 1-47, *Journal*, p. 1792, *Record*, p. 6803.

Motion to commit and previous question.

It is in order, pending the motion for or after the previous question has been ordered on the passage of a bill, to submit a motion to commit, with or without instructions, to a standing or select committee. (959) *Rule XVII*, section 1.

The motion to commit after the engrossment and third reading and its relation to the terms of special orders. (1277-1279) 2-50, *Record*, pp. 1062, 1401; 3-53, *Journal*, p. 102; 1-55, *Record*, pp. 71, 556.

The question on the engrossment and third reading of a bill being determined in the negative, the motion to recommit under section 1 of Rule XVII may not be made. (1018, 1019) 3-53, *Journal*, p. 114; 2-54, *Record*, pp. 690, 725.

The motion to commit under section 1 of Rule XVII is not in order before the engrossment and third reading, although the previous question may be ordered on the engrossment and third reading to the passage at one vote. (1015-1017) 1-54, *Record*, p. 5753; 2-55, *Record*, pp. 3015, 4649.

The motion to recommit may be made after the engrossment and third reading of a bill, even though the previous question may not have been ordered. 3-55, *Record*, p. 1960.

Only one motion to commit is in order pending the demand for the previous question on the passage of a bill or after the previous question is ordered. (1014) 1-48, *Journal*, pp. 338, 339, *Record*, p. 466.

REFER—Continued.*With instructions*—Continued.

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REFER—Continued.*Motion to commit and previous question*—Continued.

The motion to commit under section 1 of Rule XVII is subject to amendment, but is not debatable. (1012) *1-49, Journal, pp. 378, 379, Record, pp. 694, 695.*

The motion to commit under section 1 of Rule XVII is amendable under the rules of the House unless the previous question is ordered upon it. (1011-1013) *1-48, Journal, p. 1430; 1-49, Journal, pp. 378, 379, Record, pp. 694, 695; 3-53, Journal, pp. 28, 29, Record, p. 230.*

The term "bill" as used in Rule XVII is a generic term and includes all legislative propositions which can come before the House. (1006) *1-48, Record, p. 4403.*

The motion to commit provided for in section 1 of Rule XVII may be applied to a motion to amend the Journal. (1001) *2-46, Record, pp. 1814, 1815.*

The previous question having been ordered and a motion to recommit having been made pending the vote on the passage, it was held that a motion to lay on the table the motion to recommit was not in order. (1000) *1-52, Journal, pp. 154, 155, Record, p. 3540.*

The previous question being ordered on a motion to concur in a Senate amendment to a House bill, it is in order to commit the bill and amendment to a committee with instructions. (1005) *1-53, Journal, p. 162, Record, p. 3060.*

After the previous question is ordered on a report from the Committee on Rules the motion to recommit is admitted under the more recent practice of the House, although the rulings conflict. (1552-1555) *2-53, Journal, pp. 71, 72, 277, 280, Record, p. 534, 3284; 1-54, Record, pp. 5382, 5469.*

The previous question having been ordered on the resolutions in a contested-election case and on a substitute therefor, a motion to recommit with instructions was held in order after the substitute had been voted on and when the question was on the final disposition of the resolutions. (1004) *1-52, Journal, p. 156, Record, pp. 3538-3540.*

When the previous question has been ordered on a resolution and a proposed amendment in the nature of a substitute, the motion to recommit is in order after the disposal of the substitute and when the question is pending on the passage. (1007-1009) *1-52, Journal, pp. 154, 155, Record, p. 3538; 1-51, Journal, p. 1014, Record, p. 9749; 1-54, Record, p. 4242.*

The vote whereby a bill was passed having been reconsidered, amendments having been made and the third reading ordered again, a motion to recommit was held to be in order, although such a motion had previously been rejected. (997) *1-51, Journal, p. 946, Record, pp. 8473-8476.*

REFER—Continued.*Motion to commit and previous question*—Continued.

The Committee of the Whole having decided between two propositions, and the House having agreed to the amendment embodying that decision, it was held to be in order in the House to move to recommit with instructions that in effect brought the two propositions to the decision of the House. 3-55, *Record*, pp. 2255, 2257.

A bill recommitted with instructions under section 1 of Rule XVII, and reported back, must again be passed to be engrossed and read a third time, and, this having been done, may be again the subject of a motion to recommit when the question recurs on the passage. (996) 1-49, *Journal*, pp. 2168-2170, *Record*, pp. 6757, 6758.

REFERENCE OF BILLS.*Public bills.*

The Speaker refers public bills, memorials, and resolutions, and correction of reference is made by the House. (450) *Rule XXII*, section 3.

Reference of a public bill or resolution to a committee of the House confers jurisdiction of it upon that committee. (670) 1-51, *Journal*, p. 87, *Record*, p. 316.

When a bill embraces subjects belonging to the jurisdiction of several committees, the main object of the bill may be taken as the test to show to which committee it should go. (678) 2-55, *Record*, p. 2483.

The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it. (667, 668) 1-53, *Journal*, p. 147; 2-54, *Record*, pp. 725, 726.

Changes of reference of public bills are made without debate. (447) *Rule XXII*, section 3; 2-53, *Journal*, p. 202, *Record*, p. 2423.

The correction of the reference of a public bill presents a question of privilege. (125) 2-46, *Journal*, pp. 842-877, *Record*, pp. 1804, 1817, 1844, 1846.

Private bills.

Members indorse on petitions, memorials, or bills of a private nature the committee to which they are to be referred. (448) *Rule XXII*, section 1.

The erroneous reference of a petition or private bill does not confer jurisdiction on the committee receiving the same. (449) *Rule XXII*, section 2.

The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration, either in the House or in Committee of the Whole. (675-681) 1-53, *Journal*, p. 118; 3-53, *Journal*, pp. 70, 71; 2-55, *Record*, pp. 2483, 2496; 2-53, *Journal*, p. 492; 3-53, *Journal*, p. 15; 1-53, *Journal*, p. 138.

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The rule governing the change of reference of private bills. (449) *Rule XXII*, section 2.

568 REFERENCE OF BILLS—RELEVANCY.

REFERENCE OF BILLS—Continued.

Private bills—Continued.

Bills for the payment or adjudication of private claims against the Government may go only to certain specified committees. (660) *Rule XXI, section 3.*

Reports of findings of fact from the Court of Claims are referred to the committee having original jurisdiction in the matter. (1433) *1-50, Record, p. 110.*

General provisions.

A motion to correct an error in referring a bill to the proper calendar presents a question of privilege. (126) *2-50, Journal, p. 534, Record, pp. 2020, 2021.*

The House may authorize a committee to consider, in the course of an investigation, testimony taken before a committee of a previous Congress. (684) *1-46, Journal, pp. 442, 443, Record, pp. 1774, 1775.*

A bill to create a commission to determine damages done to citizens was held not to provide for the payment or adjudication of a claim against the Government, and hence not to be affected by the prohibition of section 3 of Rule XXI. (682) *2-53, Journal, p. 493, Record, p. 7661.*

Under the former rules a House bill with Senate amendments requiring to be referred was referred by vote of the House. (683) *2-52, Journal, 68, 79, Record, p. 1150.*

REFORM IN THE CIVIL SERVICE, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (644) *Rules X, XI, section 36.*

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

Trustee to be appointed by the Speaker. (48) *Supplement Revised Statutes, Vol. I, p. 104.*

REGULAR ORDER.

The rule prescribing the regular order of business. (344) *Rule XXIV, section 1.*

A demand for the regular order is equivalent to an objection to a request for unanimous consent. (446) *1-52, Journal, p. 351, Record, p. 7028.*

See Order of business.

REJECTION.

The rejection of a bill is notified by message to the House in which it originated. (1463) *Jefferson's Manual, Section XLVII, p. 179.*

RELATIONS OF THE TWO HOUSES.

Visits and relations between the Houses. (1775, 1776) *2-55, Record, p. 4212; 1-40, Globe, p. 253.*

RELEVANCY IN DEBATE.

Rule regarding. (61) *Rule XIV, section 1.*

REPORTS.

General provisions.

The report of a committee having been made to the House may not be withdrawn except by unanimous consent. (703) 1-49, *Journal*, p. 442.

A motion directing a committee of the House to report a matter before them is not in order. (698) 2-55, *Record*, p. 760.

A committee may report a bill to the House with no recommendation for action. (696) 2-55, *Report H. of R.*, No. 667.

A question of privilege does not lose its privilege through any informality in the method of reporting it from a committee. (423) 2-53, *Journal*, pp. 50, 51, *Record*, p. 471.

A report having been ordered to be made by a committee, but not being made within a reasonable time, a resolution relating thereto was decided to be privileged. (125a) 2-51, *Journal*, p. 174, *Record*, p. 1789.

No bill referred to a committee may be brought back into the House on a motion to reconsider, and all bills reported from a committee must be accompanied by reports in writing. (1191) *Rule XVIII*, section 2.

A bill improperly reported from a committee is not entitled to its place on the Calendar. 3-55, *Record*, pp. 705, 851.

Reports of findings of fact from the Court of Claims are referred to the committee having original jurisdiction in the matter. (1433) 1-50, *Record*, p. 110.

Reports of judgments of the Court of Claims are transmitted to Congress at the first of every December session. (1437) *Revised Statutes*, section 1057.

The proceedings of a committee may not be published, as they are of no force until confirmed by the House, and a committee may receive a petition only through the House. (602) *Jefferson's Manual*, Section XI, p. 122.

The rule establishing calendars for the reports of committees. (345) *Rule XIII*, section 1.

Printing and reading.

The rule regulating the printing of reports. (1746) *Rule XLV*.

No bill reported from a committee for printing and recommitment may be brought back into the House on a motion to reconsider. (1191) *Rule XVIII*, section 2.

Provision as to the printing of preliminary reports for the use of committees. (1750) 28 *Stat. L.*, p. 624.

On a motion to commit papers the reading of them may be demanded, but the rulings differ as to testimony accompanying a report which is to be committed. (1240, 1241) 1-34, *Journal*, p. 1146, *Globe*, p. 1535.

568 REFERENCE OF BILLS—RELEVANCY.

REFERENCE OF BILLS—Continued.

Private bills—Continued.

Bills for the payment or adjudication of private claims against the Government may go only to certain specified committees. (660) *Rule XXI, section 3.*

Reports of findings of fact from the Court of Claims are referred to the committee having original jurisdiction in the matter. (1433) *1-50, Record, p. 110.*

General provisions.

A motion to correct an error in referring a bill to the proper calendar presents a question of privilege. (126) *2-50, Journal, p. 534, Record, pp. 2020, 2021.*

The House may authorize a committee to consider, in the course of an investigation, testimony taken before a committee of a previous Congress. (684) *1-46, Journal, pp. 442, 443, Record, pp. 1774, 1775.*

A bill to create a commission to determine damages done to citizens was held not to provide for the payment or adjudication of a claim against the Government, and hence not to be affected by the prohibition of section 3 of Rule XXI. (682) *2-53, Journal, p. 493, Record, p. 7661.*

Under the former rules a House bill with Senate amendments requiring to be referred was referred by vote of the House. (683) *2-52, Journal, 68, 79, Record, p. 1150.*

REFORM IN THE CIVIL SERVICE, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (644) *Rules X, XI, section 36.*

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

Trustee to be appointed by the Speaker. (48) *Supplement Revised Statutes, Vol. I, p. 104.*

REGULAR ORDER.

The rule prescribing the regular order of business. (344) *Rule XXIV, section 1.*

A demand for the regular order is equivalent to an objection to a request for unanimous consent. (446) *1-52, Journal, p. 351, Record, p. 7028.*

See *Order of business.*

REJECTION.

The rejection of a bill is notified by message to the House in which it originated. (1463) *Jefferson's Manual, Section XLVII, p. 179.*

RELATIONS OF THE TWO HOUSES.

Visits and relations between the Houses. (1775, 1776) *2-55, Record, p. 4212; 1-40, Globe, p. 253.*

RELEVANCY IN DEBATE.

Rule regarding. (61) *Rule XIV, section 1.*

REPORTS.

General provisions.

The report of a committee having been made to the House may not be withdrawn except by unanimous consent. (703) *1-49, Journal, p. 442.*

A motion directing a committee of the House to report a matter before them is not in order. (698) *2-55, Record, p. 760.*

A committee may report a bill to the House with no recommendation for action. (696) *2-55, Report H. of R., No. 667.*

A question of privilege does not lose its privilege through any informality in the method of reporting it from a committee. (423) *2-53, Journal, pp. 50, 51, Record, p. 471.*

A report having been ordered to be made by a committee, but not being made within a reasonable time, a resolution relating thereto was decided to be privileged. (125a) *2-51, Journal, p. 174, Record, p. 1789.*

No bill referred to a committee may be brought back into the House on a motion to reconsider, and all bills reported from a committee must be accompanied by reports in writing. (1191) *Rule XVIII, section 2.*

A bill improperly reported from a committee is not entitled to its place on the Calendar. *3-55, Record, pp. 705, 851.*

Reports of findings of fact from the Court of Claims are referred to the committee having original jurisdiction in the matter. (1433) *1-50, Record, p. 110.*

Reports of judgments of the Court of Claims are transmitted to Congress at the first of every December session. (1437) *Revised Statutes, section 1057.*

The proceedings of a committee may not be published, as they are of no force until confirmed by the House, and a committee may receive a petition only through the House. (602) *Jefferson's Manual, Section XI, p. 122.*

The rule establishing calendars for the reports of committees. (345) *Rule XIII, section 1.*

Printing and reading.

The rule regulating the printing of reports. (1746) *Rule XLI.*

No bill reported from a committee for printing and recommitment may be brought back into the House on a motion to reconsider. (1191) *Rule XVIII, section 2.*

Provision as to the printing of preliminary reports for the use of committees. (1750) *28 Stat. L., p. 624.*

On a motion to commit papers the reading of them may be demanded, but the rulings differ as to testimony accompanying a report which is to be committed. (1240, 1241) *1-34, Journal, p. 1146, Globe, p. 1535.*

REPORTS—Continued.*Printing and reading*—Continued.

The reading of a report, being in the nature of debate, is not in order after the previous question is ordered. (973, 974) 1-23, *Journal*, p. 726; 1-49, *Record*, pp. 7154, 7155.

From Select Committees.

The report being made, a special committee is dissolved, but may be revived by a vote, and the same matter recommitted to it. (601) *Jefferson's Manual*, Section XXVII, p. 142.

A select committee that has reported, and consequently become dissolved, may be revived by a vote referring a matter to it or by a recommitment; but in case of recommitment with instructions the committee must in reporting confine themselves to the instructions. (693, 694, 695) 2-37, *Journal*, p. 874, *Globe*, pp. 2764, 2790; 3-37, *Journal*, pp. 487, 489, *Globe*, p. 1295.

From Committee of the Whole.

The Speaker may not revise or overrule in any way a report from the Committee of the Whole. (1652) 2-49, *Record*, p. 1059.

An amendment reported from the Committee of the Whole as an entire and distinct proposition may not be divided, but must be voted on as a whole. (1112-1121) 1-28, *Journal*, p. 1061, *Globe*, p. 653; 1-29, *Journal*, pp. 366, 642, *Globe*, pp. 348, 349; 1-30, *Journal*, p. 1059, *Globe*, p. 948; 2-30, *Journal*, p. 574, *Globe*, p. 642; 2-32, *Journal*, p. 401, *Globe*, p. 1149; 2-37, *Journal*, p. 170, *Globe*, p. 305; 2-46, *Journal*, p. 816, *Record*, pp. 1713-1715; 2-51, *Journal*, p. 167; 2-53, *Journal*, pp. 130, 445, *Record*, pp. 1795, 6736, 6737.

Amendments should be voted on in the order in which they are reported from the Committee of the Whole, although they may be inconsistent one with another. (1109) 2-53, *Journal*, p. 129, *Record*, pp. 1794, 1795.

A series of bills having been reported from the Committee of the Whole it was held, when they were taken up by the House on a succeeding day, that they should be considered in the order in which the *Journal* showed them to have been reported from the Committee of the Whole. 3-55, *Record*, p. 1628.

When a bill is reported from the Committee of the Whole with amendments, it is in order to submit additional amendments, but the first question is on the amendments reported. (1108) 1-29, *Journal*, p. 865, *Globe*, p. 876.

It is a frequent practice for the House to agree at one vote to all the amendments of a bill reported from the Committee of the Whole, but it is the right of any Member to demand a separate vote on any or all of the amendments. (1110) 2-55, *Record*, p. 1363.

The Committee of the Whole having voted to rise after the point of no quorum had been made, the bills which the committee had acted upon were reported to the House. (286) 1-54, *Record*, p. 1195.

REPORTS—Continued.

From Committee of the Whole—Continued.

A bill being reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out, the question of concurrence is debatable in the House, and the motion to lay on the table is not in order. (939, 940) *1-43, Journal, p. 629, Record, p. 2342; 2-53, Journal, pp. 21, 22, Record, pp. 120, 121.*

A bill being reported from the Committee of the Whole with an adverse recommendation, and the House having disagreed to the recommendation, the bill stands recommitted. (938) *Rule XXIII, section 7.*

A Committee of the Whole sometimes reports a bill with the recommendation that it be recommitted to a standing committee with certain instructions. (748) *1-51, Record, p. 7263.*

The Committee of the Whole having made a report which was not in order, the matter was decided to stand recommitted to the Committee of the Whole without further action. (749) *1-51, Journal, p. 485, Record, p. 3504.*

The Committee of the Whole having risen because a quorum had failed, the bills that had been laid aside to be reported remained in the committee until the next occasion when the committee rose without question as to a quorum. (753) *1-54, Record, pp. 4914, 5011.*

The fact that the vote whereby the Committee of the Whole rose did not show a quorum was held not sufficient to prevent the reception of the report of the committee by the House. (752) *1-35, Journal, pp. 814, 822, Globe, p. 2141.*

There is a question as to whether or not the recommendation of the Committee of the Whole that a bill do lie on the table may be accepted in the House as a motion to lay the bill on the table. (755) *2-54, Record, p. 1069.*

In relation to Committee of the Whole.

A bill reported to the House for printing, and recommitted, is, when reported for consideration, subject to the point of order that it must be considered in Committee of the Whole. (999) *1-51, Journal, p. 830, Record, pp. 701, 5441.*

A committee having reported a public bill grouping together the authorization of several distinct works, all within the jurisdiction of the committee, it was held that no point of order could be sustained when the bill came up in Committee of the Whole. (897) *1-52, Record, pp. 6168, 6173.*

A bill which has been considered in Committee of the Whole and then by the House has been recommitted to a standing committee is not, when again reported to the House, necessarily subject to the point of order that it must be considered in Committee of the Whole. (799, 800) *1-50, Record, p. 4793; 1-54, Record, p. 3781.*

REPORTS—Continued.*Printing and reading*—Continued.

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REPORTS—Continued.*In relation to the Committee of the Whole*—Continued.

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Bills in Committee of the Whole may be reported, with the recommendation that they be postponed or referred, and the latter recommendation has precedence over the recommendation that the bill do pass. (741, 745) 2-55, *Record*, p. 843; 1-54, *Record*, p. 889.

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The Committee of the Whole may not report a recommendation which, if carried into effect, would change a rule of the House. (749, 750) 1-51, *Journal*, p. 485, *Record*, p. 3504; 1-54, *Record*, p. 1310.

If a Committee of the Whole amend a paragraph, and subsequently strike out the paragraph as amended, the first amendment falls and is not reported to the House or voted on. (754) 2-31, *Journal*, p. 346, *Globe*, p. 679.

The hour previously fixed for the adjournment of the House arriving while the Committee of the Whole is still in session, the Chairman may direct the committee to rise and make his report as though the committee had risen on motion in the regular way. (758) 1-54, *Record*, p. 3062.

Questions as to authorization of.

Although committees meet when and where they please (except that they may not sit during sessions of the House without leave), they can only agree to a report acting together. (601) *Jefferson's Manual*, Section XXVI, p. 139.

It is not the invariable practice for all the Members agreeing to a report to sign it. (685 footnote) 2-25, *Globe*, pp. 343, 349.

The House having voted to consider a report, it is too late to question whether or not the report has been made properly. (692) 1-54, *Journal*, p. 595, *Record*, p. 6331.

Objection being made that a report has not been properly authorized by a committee, and there being doubt as to the validity of the authorization, the question as to the reception of the report is submitted to the House. (685-687) 2-27, *Journal*, p. 1410, *Globe*, p. 940; 3-40, *Globe*, p. 1385; 3-53, *Journal*, p. 99.

The Speaker being satisfied of the correctness of the authorization of a report, may decide that it shall be received. (688, 689) 1-34, *Journal*, pp. 1144, 1433, 1434, *Globe*, pp. 1529, 1530, 2069.

REPORTS—Continued.

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A committee having authorized one report, and then, after reconsideration, having authorized another, the House voted to receive the first report. (690) 1-26, *Globe*, pp. 419, 426, 428, 429.

The question of the sufficiency of a report in writing made by a committee is a matter to be passed upon by the House, but not by the Speaker. (704) 1-48, *Journal*, p. 516.

Four members of a committee composed of nine having been authorized by the committee to submit to the House a report, a question arose as to whether or not the matter submitted by the four was the report of the committee. (691) 2-55, *Record*, pp. 3300, 3304.

Views of the minority.

The minority of a committee may not make a report, but may file their views, which may be placed on the Calendar under the rules. (707-711) 1-24, *Journal*, p. 561, *Globe*, p. 261; 2-27, *Globe*, p. 248; 1-31, *Globe*, p. 1343; 2-41, *Globe*, p. 954; 1-47, *Journal*, p. 1709, *Record*, pp. 6417-6419.

The rule requires that the views of the minority shall be presented at the same time as the report of the committee. (712) 1-54, *Record*, p. 6112.

In relation to debate.

The Member reporting the measure under consideration may open and close, where general debate is had; and may have an additional hour to close if the debate extend beyond a day. (860) *Rule XIV*, section 3.

The right of "the Member reporting the measure under consideration from a committee" to close the debate, and the relations of that right to the previous question and to the limitation of debate in Committee of the Whole. (866-869) 1-31, *Journal*, p. 1056, *Globe*, p. 1308; 2-44, *Journal*, pp. 201, 202, *Record*, pp. 574, 708; 1-48, *Journal*, pp. 338, 339, *Record*, pp. 466, 1167.

Privileged reports in general.

The rule establishing certain privileged reports which may be made from certain committees at any time. (398) *Rule XI*, section 59.

The right to report at any time carries with it the right to have the matter reported considered. (399, 400) 1-32, *Journal*, p. 195, *Globe*, p. 253; 1-32, *Journal*, p. 1009, *Globe*, p. 2065.

The right to report at any time carries with it the right that the bill so reported shall remain privileged until disposed of. (401) 1-49, *Journal*, p. 2360, *Record*, p. 7602.

Bills from a committee having leave to report at any time must be reported in open House and not by filing them with the Clerk. (422) 1-51, *Journal*, p. 392, *Record*, p. 2713.

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The right to report at any time carries with it the right that the bill so reported shall remain privileged until disposed of. (401) 1-49, *Journal*, p. 2360, *Record*, p. 7602.

Bills from a committee having leave to report at any time must be reported in open House and not by filing them with the Clerk. (422) 1-51, *Journal*, p. 392, *Record*, p. 2713.

REPORTS—Continued.*Privileged reports in general*—Continued.

Privileged reports are sometimes printed and recommitted. (421) 1-54, *Record*, p. 6197.

The passage of a general bill on a certain subject does not exhaust the privilege of a committee on that subject. (416) 2-51, *Journal*, p. 255, *Record*, p. 2799.

In exercising the right to report at any time, committees may not include matters not specified by the rule as within the privilege. (405-407) 1-54, *Record*, p. 1294; 1-50, *Record*, p. 2195; 2-50, *Record*, pp. 47, 48.

A privileged report is not in order on a day set apart by special order for another class of business. (1280) 1-52, *Journal*, p. 239, *Record*, pp. 5573, 5574.

When a bill has been made a special order for a certain day its consideration takes precedence on such day over privileged reports. (1264) 1-49, *Record*, p. 7276.

At the end of sixty minutes the morning hour may be interrupted by a privileged report. (382) 1-51, *Journal*, p. 969, *Record*, p. 8819.

The right to report at any time a bill raising revenue belongs alone to the Ways and Means Committee. (404) 1-49, *Record*, pp. 7331, 7332.

The right of the Committee on Appropriations to report at any time is confined strictly to the general appropriation bills. (409-412) 2-44, *Journal*, p. 394, *Record*, p. 1320; 1-52, *Journal*, p. 348, *Record*, p. 6966; 2-55, *Record*, pp. 1539, 4500.

The privilege of the Committee on Printing is confined to printing for the use of the two Houses, and the presence of matter not privileged destroys the privileged character of the report. (419, 420) 1-52, *Journal*, p. 292, *Record*, p. 6166; 1-53, *Journal*, p. 80.

Not privileged.

The rule regulating the making of nonprivileged reports from committees. (346) *Rule XIII*, section 2.

The rule establishing the Calendars for the reports of committees. (345) *Rule XIII*, section 1.

The report of a special committee appointed "to examine and report" on a certain subject is not privileged for consideration. (424) 2-54, *Record*, p. 2211.

From Committee on Rules.

The Committee on Rules has leave to report at any time, and pending consideration of the report one motion to adjourn may be entertained, but thereafter no dilatory motion. (398) *Rule XI*, section 59.

The practice of the Committee on Rules reporting in part at different times was sanctioned by the decision that a committee having leave to report at all times may report in part at different times. (1538) 1-27, *Journal*, p. 204.

REPORTS—Continued.

From Committee on Rules—Continued.

Pending a report from the Committee on Rules, one motion to adjourn is in order, and thereafter no other dilatory motion, even of the highest privilege, is in order. (1544-1546) 1-52, *Journal*, p. 126, *Record*, p. 2837; 1-53, *Journal*, pp. 96, 97, 98; 2-53, *Journal*, pp. 520, 521, *Record*, p. 8009.

Pending consideration of a report from the Committee on Rules, the question of consideration and appeals have been ruled out of order as dilatory. (1547) 1-53, *Journal*, pp. 96, 97, 98.

It has been held once that the Committee on Rules has jurisdiction to report a matter not referred to them. (1548) 2-53, *Journal*, p. 61, *Record*, p. 502. See, however, (661-665) 1-31, *Journal*, p. 590; 1-45, *Journal*, p. 159, *Record*, p. 256; 1-48, *Journal*, p. 1108; 1-51, *Journal*, p. 967, *Record*, p. 8772; 1-53, *Journal*, pp. 96-98.

The question as to whether or not a question of privilege should have precedence of a report from the Committee on Rules. (1549-1551) 2-53, *Journal*, pp. 71, 72, *Record*, pp. 485, 527; 2-53, *Journal*, p. 132, *Record*, p. 1809; 1-55, *Record*, p. 2478.

A special order fixing a day for particular business is a change of rules and may be reported at any time as a privileged question by the Committee on Rules. (1539) 1-49, *Journal*, p. 2171, *Record*, pp. 6759, 6760.

Of resolutions of inquiry.

The rule provides that resolutions of inquiry shall be reported back within one week. (425) *Rule XXII, section 5*.

A resolution of inquiry loses its privileged character if matter not privileged be contained therein. (433) 2-55, *Record*, pp. 3908, 3909.

At the expiration of a week a motion to discharge a committee from the consideration of a resolution of inquiry is privileged, although the resolution may have been delayed in reaching the committee. (431) 1-53, *Journal*, pp. 106, 107.

A resolution of inquiry not being reported back within one week, a motion to discharge the committee from the consideration of it presents a question of privilege. (426-430) 1-47, *Journal*, p. 1124, *Record*, p. 3275; 1-49, *Journal*, p. 1420, *Record*, pp. 3929, 3930; 2-51, *Record*, pp. 2456, 2457; 1-52, *Journal*, pp. 107, 296, *Record*, pp. 2192, 6218.

A resolution of inquiry may be reported at any time within a week and is privileged for consideration when reported. (430) 1-52, *Journal*, p. 296, *Record*, p. 6218.

In relation to motion to recommit.

When a report is recommitted, what has passed before in the committee is of no validity and the whole question is again before the committee. (601, 995) *Jefferson's Manual, Section XXVIII, pp. 142, 143*.

REPORTS—Continued.*Privileged reports in general*—Continued.

Privileged reports are sometimes printed and recommitted. (421) 1-54, *Record*, p. 6197.

The passage of a general bill on a certain subject does not exhaust the privilege of a committee on that subject. (416) 2-51, *Journal*, p. 255, *Record*, p. 2799.

In exercising the right to report at any time, committees may not include matters not specified by the rule as within the privilege. (405-407) 1-54, *Record*, p. 1294; 1-50, *Record*, p. 2195; 2-50, *Record*, pp. 47, 48.

A privileged report is not in order on a day set apart by special order for another class of business. (1280) 1-52, *Journal*, p. 239, *Record*, pp. 5573, 5574.

When a bill has been made a special order for a certain day its consideration takes precedence on such day over privileged reports. (1264) 1-49, *Record*, p. 7276.

At the end of sixty minutes the morning hour may be interrupted by a privileged report. (382) 1-51, *Journal*, p. 969, *Record*, p. 8819.

The right to report at any time a bill raising revenue belongs alone to the Ways and Means Committee. (404) 1-49, *Record*, pp. 7331, 7332.

The right of the Committee on Appropriations to report at any time is confined strictly to the general appropriation bills. (409-412) 2-44, *Journal*, p. 394, *Record*, p. 1320; 1-52, *Journal*, p. 348, *Record*, p. 6966; 2-55, *Record*, pp. 1589, 4500.

The privilege of the Committee on Printing is confined to printing for the use of the two Houses, and the presence of matter not privileged destroys the privileged character of the report. (419, 420) 1-52, *Journal*, p. 292, *Record*, p. 6166; 1-53, *Journal*, p. 80.

Not privileged.

The rule regulating the making of nonprivileged reports from committees. (346) *Rule XIII*, section 2.

The rule establishing the Calendars for the reports of committees. (345) *Rule XIII*, section 1.

The report of a special committee appointed "to examine and report" on a certain subject is not privileged for consideration. (424) 2-54, *Record*, p. 2211.

From Committee on Rules.

The Committee on Rules has leave to report at any time, and pending consideration of the report one motion to adjourn may be entertained, but thereafter no dilatory motion. (398) *Rule XI*, section 59.

The practice of the Committee on Rules reporting in part at different times was sanctioned by the decision that a committee having leave to report at all times may report in part at different times. (1538) 1-27, *Journal*, p. 204.

REPORTS—Continued.

From Committee on Rules—Continued.

Pending a report from the Committee on Rules, one motion to adjourn is in order, and thereafter no other dilatory motion, even of the highest privilege, is in order. (1544-1546) 1-52, *Journal*, p. 126, *Record*, p. 2337; 1-53, *Journal*, pp. 96, 97, 98; 2-53, *Journal*, pp. 520, 521, *Record*, p. 8009.

Pending consideration of a report from the Committee on Rules, the question of consideration and appeals have been ruled out of order as dilatory. (1547) 1-53, *Journal*, pp. 96, 97, 98.

It has been held once that the Committee on Rules has jurisdiction to report a matter not referred to them. (1548) 2-53, *Journal*, p. 61, *Record*, p. 502. See, however, (661-665) 1-31, *Journal*, p. 590; 1-45, *Journal*, p. 159, *Record*, p. 256; 1-48, *Journal*, p. 1108; 1-51, *Journal*, p. 967, *Record*, p. 8772; 1-53, *Journal*, pp. 96-98.

The question as to whether or not a question of privilege should have precedence of a report from the Committee on Rules. (1549-1551) 2-53, *Journal*, pp. 71, 72, *Record*, pp. 485, 527; 2-53, *Journal*, p. 132, *Record*, p. 1809; 1-55, *Record*, p. 2478.

A special order fixing a day for particular business is a change of rules and may be reported at any time as a privileged question by the Committee on Rules. (1539) 1-49, *Journal*, p. 2171, *Record*, pp. 6759, 6760.

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In relation to motion to recommit.

When a report is recommitted, what has passed before in the committee is of no validity and the whole question is again before the committee. (601, 995) *Jefferson's Manual, Section XXVIII*, pp. 142, 143.

REPORTS—Continued.*In relation to motion to recommit—Continued.*

It is not in order to move to recommit a bill with instructions to the committee to report an amendment which is not germane. (1023–1031) 1–48, *Journal*, pp. 703, 1247, *Record*, pp. 4256, 4257; 2–35, *Journal*, p. 389, *Globe*, pp. 1007, 1009; 2–53, *Journal*, pp. 446, 453, *Record*, pp. 6739, 6908; 2–51, *Journal*, p. 165, *Record*, p. 1638; 1–55, *Record*, pp. 939, 1187; 2–55, *Record*, p. 811.

A bill may be recommitted with instructions that it be reported “forthwith,” and the report may be made at once by the chairman of the committee, and is not subject to the point that it must be considered in Committee of the Whole if it has previously been considered there. (1022) 2–51, *Journal*, pp. 312–321, *Record*, pp. 3505–3508.

On a motion to recommit with instructions the instructions may not authorize the committee to report at any time, as such would be a change of the rules. (1020, 1021) 2–44, *Journal*, p. 297, *Record*, p. 926; 2–47, *Journal*, p. 229, *Record*, pp. 1147, 1148.

A bill recommitted with instructions to report forthwith may be reported immediately by the chairman without formal action of the committee. (702) 2–51, *Journal*, pp. 312–321, *Record*, pp. 3505–3508.

On a motion to recommit with instructions it is in order to direct the committee as to when they shall report back the bill. (700–701) 2–51, *Journal*, pp. 312–321, *Record*, pp. 3505–3508; 1–51, *Journal*, p. 713, *Record*, p. 5813.

A bill having been recommitted to a committee, with leave to report at any time, and being immediately reported by the chairman is subject to the point of order that the committee have not considered it. (699) 2–50, *Journal*, p. 536, *Record*, p. 2028.

Certain ones required to be made.

The Doorkeeper's inventory of furniture, etc., is reported to the House at the beginning and close of each session and referred to the Committee on Accounts for examination, etc. (1719) *Rule V*, section 2.

The Clerk makes report to the House of the receipts and expenditures of his office and the property under his charge. (1714) *Revised Statutes*, sections 60, 61, 63, 70, 72. The Sergeant-at-Arms also makes report. (1717) *Revised Statutes*, section 72.

It is the duty of the Clerk to have printed and delivered to each Member a list of the reports required to be made to Congress. (1711) *Rule III*, section 2.

Conference reports—General provisions.

A conference report may not be amended or altered. (1366) *Jefferson's Manual*, Section XLVI, p. 176.

A conference report may not be referred to a standing committee. (1413) 2–55, *Record*, p. 4636.

REPORTS—Continued.

Conference reports—General provisions—Continued.

A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (1410, 1411) 2-27, *Journal*, p. 1248, *Globe*, p. 868; 1-49, *Journal*, p. 2515, *Record*, p. 7932.

The House has formally discarded the old practice of allowing conference reports to be laid on the table. (1407-1409) 1-30, *Journal*, p. 1283, *Globe*, p. 1080; 2-42, *Journal*, p. 1129, *Globe*, p. 4460; 1-44, *Journal*, p. 1423.

It is not in order to recommit a conference report to the committee of conference. (1412) 2-49, *Record*, p. 880.

A conference report, made first in the Senate and there recommitted and again reported, was acted on by the House after the Senate had agreed to it. 3-55, *Record*, pp. 2823, 2842, 2843, 2923-2925.

A conference report may not be received if no statement accompanies it. (1404-1406) 2-51, *Journal*, p. 75; 1-54, *Record*, p. 5865; 2-54, *Record*, p. 1412.

Whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule is a question for the House and not the Speaker to determine. (1402, 1403) 2-49, *Record*, p. 2437; 3-53, *Journal*, pp. 15, 16.

A conference committee may report agreement as to some of the matters of difference, but inability to agree as to others. (1392) 1-29, *Journal*, p. 1302, *Globe*, p. 1222.

The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. (1390) 1-51, *Journal*, p. 735, *Record*, p. 5981.

A conference report may be received although it may be in violation of the instructions given to the conferees. (1382) 1-49, *Journal*, p. 2459, *Record*, p. 7826.

Where a conference committee is unable to agree, or when a report is disagreed to, another conference is usually asked for and agreed to. (1384-1388) 1-34, *Journal*, pp. 919, 943; 1-35, *Journal*, pp. 1105, 1106, 1118, 1136, *Globe*, pp. 3026, 3030, 3045; 3-34, *Journal*, pp. 653, 655, 663.

Where conferees report that they have been unable to agree, the report is not acted on by the House. 3-55, *Record*, p. 2144.

In all cases of conference after a disagreement the papers are to be left by the House asking the conference with the House agreeing to it. (1366) *Jefferson's Manual*, Section XLVI, p. 176.

It is not in order to demand the reading of the engrossed copy of a bill which is presented as the subject of a conference report. (472, footnote) 1-44, *Journal*, p. 1423.

REPORTS—Continued.*In relation to motion to recommit—Continued.*

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REPORTS—Continued.**Conference reports—General provisions—Continued.**

The previous question having been ordered on a conference report, it was held that the proposition was not such as was contemplated by the rule allowing forty minutes of debate. 3-55, *Record*, p. 2188.

A bill and amendments having once been sent to conference do not, upon the rejection of the conference report, return to their former state so that the amendments may be sent to the Committee of the Whole. (1389) 1-54, *Record*, pp. 5532, 5533.

Conference reports—Precedence of.

A conference report is always in order except when the Journal is being read, when the roll is being called, or when the House is dividing; and a statement must accompany each report. (1391) *Rule XXIX*.

A conference report is in order pending a demand for the previous question. 3-55, *Record*, p. 867.

A conference report has been held in order even pending a motion for a call of the House, but it was not a case where the absence of a quorum had been ascertained. (1391, footnote) 1-31, *Journal*, p. 1590.

A conference report may be presented after a motion to adjourn has been made, or when a Member is occupying the floor for debate; but the report need not be disposed of before the motion to adjourn is put. (1393-1395) 2-50, *Record*, pp. 678, 683; 1-51, *Journal*, pp. 822, 904, *Record*, pp. 6941, 6942, 7880.

A conference report may be presented after the vote by tellers and pending the question on ordering the yeas and nays. (1399) 1-54, *Record*, p. 5916.

A conference report has precedence of the question on the reference of a bill, even though the yeas and nays have been ordered. (1398) 1-52, *Journal*, p. 263, *Record*, pp. 5774, 5802.

A conference report has been given precedence over a question of privilege. (1397) 1-51, *Journal*, p. 1082, *Record*, pp. 10444, 10445.

A conference report may be presented during the time set apart by a special order for the consideration of another measure. (1400) 1-55, *Record*, pp. 1396, 1397; 3-55, *Record*, p. 2589.

The consideration of a conference report may be interrupted by the arrival of the hour previously fixed for a recess. (1396) 1-51, *Journal*, p. 720, *Record*, p. 5861.

The question on the adoption of a final conference report has precedence of a motion to recede and concur in amendments of the other House. 3-55, *Record*, p. 2927.

Conference report—What it may include.

Conferees may not include in their reports matters not committed to them by either House. (1414-1417) 1-12, *Journal*, p. 383; 1-42, *Journal*, pp. 190, 191, *Globe*, p. 796; 2-52, *Journal*, pp. 137-139, *Record*, pp. 2573-2578; 2-55, *Record*, p. 4514.

REPORTS—Continued.

Conference report—What it may include—Continued.

It has been held that conferees may include in their report matters which are germane modifications of subjects in disagreement between the Houses and committed to the conference. (1418, 1419) *3-41, Globe, p. 1916; 1-49, Journal, p. 2515, Record, p. 7932.*

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No rule requires the official reporters to insert in the Record everything that may be read in the House. (1683, 1684) *2-48, Journal, pp. 354, 356, Record, pp. 1020, 1021, 1025; 1-53, Journal, p. 125.*

A Member may not as a matter of right demand the reading of the reporters' notes. (1683, 1684) *2-48, Journal, pp. 354, 356, Record, pp. 1020, 1021, 1025; 1-53, Journal, p. 125.*

The rule relating to the accommodation of newspaper reporters and correspondents on the floor and in the press gallery. (1742) *Rule XXXVI, section 2.*

Alleged misconduct of an occupant of the press gallery, although occurring during a former Congress, was brought before the House as a matter of privilege. (123) *1-48, Journal, p. 444, Record, p. 741.*

Alleged libelous statements of a reporter being made a subject of privilege, the reporter was at once arrested, brought to the bar of the House, and interrogated. (122) *2-41, Journal, pp. 957, 961, 962, 1068, Record, pp. 4315, 4318, 4320, 4692.*

A resolution as to an alleged false and scandalous report of the proceedings of the House by one of its reporters presented as a matter of privilege. (120) *2-29, Journal, p. 320, Globe, p. 359.*

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REPORTERS—Continued.

One reporter having assaulted another in the presence of the House, punishment for breach of privilege was inflicted. (165) *1-24, Journal, pp. 983, 985, 1021, Globe, pp. 436, 437, 450.*

REPRESENTATIVES IN CONGRESS.

Subjects relating to the election of, belong to the jurisdiction of the Committee on Election of President, Vice-President, and Representatives in Congress. (645) *Rule XI, section 37.* [Except contested election cases.]

REQUEST.

When a bill, resolution, or memorial is introduced "by request" the words are entered on the Journal and Record. (451) *Rule XXII, section 4.*

RESCIND.

Motion to, not one of the privileged motions. (924, footnote) *Rule XVI, section 4; 1-48, Journal, p. 1051.*

The motion has been used in the House. (5, 927, footnote) *1-34, Journal, pp. 429, 430, 444; 2-43, Journal, p. 618, Record, p. 2084; 1-44, Record, p. 2887.*

A resolution rescinding a special order was held, upon being submitted to the House, not to be in order as a privileged motion. (927) *1-48, Journal, p. 1051.*

An entry in a Journal of a preceding Congress has been rescinded by order of the House. (927, footnote) *2-43, Journal, p. 618, Record, p. 2084; 1-44, Record, p. 2887.*

A motion which in effect rescinded a rule of the House, having been offered without objection and agreed to by the House, was held to be in force as against the rule. *3-55, Record, pp. 1691, 1712.*

RESERVING OF POINTS OF ORDER.

It is a common practice for a Member to reserve a point of order, and if he does not insist upon it another Member may make the point. (1663) *2-55, Record, p. 6092.*

RESIGNATION.

A Member may resign at any time without question by the House, and having resigned, his rights as a Member cease at once. (30) *2-41, Journal, p. 373, Globe, pp. 1469, 1523, 1544-1546.*

Name of Member who had tendered resignation to governor of State remained on the roll. (13) *2-48, Report, II. of R., No. 2679.*

RESOLUTIONS.*General provisions.*

A joint resolution is a bill within the meaning of the rules. (459) *3-27, Globe, p. 384.*

Distinction between orders and resolutions. (454) *Jefferson's Manual, Section XXI, p. 136.*

RESOLUTIONS—Continued.**General provisions**—Continued.

Provisions of the statutes relating to resolutions. (455) *Revised Statutes, sections 7-11; Supplement, R. S., Vol. 2, p. 349; 28 Stat. L., p. 609, section 55.*

The forms of enacting and resolving clauses of joint resolutions are prescribed by statute. (455) *Revised Statutes, sections 7, 8.*

Enacting and resolving words must be confined to the first section of bills and resolutions. (455) *Revised Statutes, section 9.*

It was decided, by reason of conditions arising from former rule No. 114, that a resolution of the House could not be amended so as to convert it into a joint resolution. (456) *1-32, Journal, p. 679, Globe, p. 1275.*

When a resolution is introduced "by request" the words are entered on Journal and Record. (451) *Rule XXII, section 4.*

Public resolutions are referred by the Speaker. (450) *Rule XXII, section 3.*

Amendments to the title of a resolution are not in order until after its passage and are voted on without debate. (1043) *Rule XIX.*

No resolution referred to a committee may be brought back into the House on a motion to reconsider, and all resolutions reported from a committee must be accompanied by reports in writing. (1191) *Rule XVIII, section 2.*

The preamble.

The preamble is considered and adopted after the other parts are gone through. (464) *Jefferson's Manual, Section XXVI, p. 140.*

The previous question having been ordered on resolutions with a preamble, it was decided that it did not include the preamble. (465) *1-34, Journal, p. 1217, Globe, p. 1642.*

Signature and approval.

Provisions of the Constitution relating to the approval and disapproval of resolutions by the President. (1466) *Constitution, Article I, section 7, p. 6.*

Resolutions passed by the two Houses in concurrence are required by the Constitution to be presented to the President for approval. (452) *Constitution, Article I, section 7, p. 6.*

The Constitution provides that resolutions passed in concurrence by the two Houses and disapproved by the President shall be repassed by a two-thirds vote. (452) *Constitution, Article I, section 7, p. 6.*

The question whether or not concurrent resolutions should be presented to the President for approval. (453) *2-54, Senate Report No. 1335.*

The use of joint concurrent resolutions and the question of their approval by the President. (453) *2-54, Senate Report No. 1335.*

Joint resolutions are to be signed by the Speaker. (45) *Rule I, section 4.*

REPORTERS—Continued.

One reporter having assaulted another in the presence of the House, punishment for breach of privilege was inflicted. (165) *1-24, Journal, pp. 983, 985, 1021, Globe, pp. 436, 437, 450.*

REPRESENTATIVES IN CONGRESS.

Subjects relating to the election of, belong to the jurisdiction of the Committee on Election of President, Vice-President, and Representatives in Congress. (645) *Rule XI, section 37.* [Except contested election cases.]

REQUEST.

When a bill, resolution, or memorial is introduced "by request" the words are entered on the Journal and Record. (451) *Rule XXII, section 4.*

RESCIND.

Motion to, not one of the privileged motions. (924, footnote) *Rule XVI, section 4; 1-48, Journal, p. 1051.*

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582 RESOLUTIONS—RESOLUTIONS OF INQUIRY.

RESOLUTIONS—Continued.

Signature and approval—Continued.

The Clerk certifies the passage of all joint resolutions. (1712) *Rule III, section 3.*

In relation to previous question and motion to commit.

The term "bill," as used in Rule XVII, is a generic term and includes all legislative propositions which can come before the House. (458, 1006) *1-48, Journal, p. 1296, Record, p. 4403.*

The previous question having been ordered on the resolutions in a contested election case, and on a substitute therefor, a motion to recommit with instructions was held in order after the substitute had been voted on and when the question was on the final disposition of the resolutions. (1004) *1-52, Journal, p. 156, Record, pp. 3538-3540.*

When the previous question has been ordered on a resolution and a proposed amendment in the nature of a substitute, the motion to recommit is in order after the disposal of the substitute and when the question is pending on the passage. (1007-1009) *1-52, Journal, pp. 154, 155, Record, p. 3538; 1-51, Journal, p. 1014, Record, p. 9749; 1-54, Record, p. 4242.*

A motion to recommit a bill with instructions to bring the same subject-matter back in the form of a joint resolution is in order. (1012) *1-49, Journal, pp. 378, 379, Record, pp. 694, 695.*

RESOLUTIONS OF INQUIRY.

The rule provides that resolutions of inquiry shall be reported back within one week. (425) *Rule XXII, section 5.*

A resolution of inquiry may be reported at any time within a week and is privileged for consideration when reported. (430) *1-52, Journal, p. 296, Record, p. 6218.*

A resolution of inquiry not being reported back within one week a motion to discharge the committee from the consideration of it presents a question of privilege. (426-430) *1-47, Journal, p. 1124, Record, p. 3275; 1-49, Journal, p. 1420, Record, pp. 3929, 3930; 2-51, Record, pp. 2456, 2457; 1-52, Journal, pp. 107, 296, Record, pp. 2192, 6218.*

At the expiration of a week a motion to discharge a committee from the consideration of a resolution of inquiry is privileged, although resolution may have been delayed in reaching the committee. (431) *1-53, Journal, pp. 106, 107.*

Resolutions of inquiry addressed to the heads of Executive Departments only are privileged, and then not until reported on one week from presentation. (432) *2-51, Journal, p. 188, Record, p. 1874.*

A resolution of inquiry loses its privileged character if matter not privileged be contained therein. (433) *2-55, Record, pp. 3908, 3909.*

Joint resolutions are not required in calling for information from the Executive Departments. *3-55, Record, pp. 1438, 1452, 1453.*

RESTAURANT.

The House restaurant was formerly under the supervision of the Committee on Public Buildings and Grounds. (1765) *1-41, Journal, p. 201.*

RETIRED LIST OF ARMY.

An officer on, may draw salary as Member of Congress. (12) *Decision of Second Comptroller C. H. Mansur, February 24, 1894.*

RETURNS.

The House is the judge of the elections, returns, and qualifications of its own members. *Constitution, Article I, section 5, p. 5.*

REVENUE.

Subjects relating to, are in the jurisdiction of the Committee on Ways and Means. (611) *Rule XI, section 2.*

The Committee on Insular Affairs has jurisdiction of all subjects (excepting those affecting the revenue and appropriations) relating to Cuba, Puerto Rico, Guam, and the Philippines. *Rule XI, section 18.*

REVENUE BILLS.

The rule giving revenue and general appropriation bills precedence on the motions of the appropriate committees. (389) *Rule XVI, section 9.*

The motion to go into Committee of the Whole to consider revenue bills and the motion to do the same to consider appropriation bills are of equal privilege. (395) *2-52, Journal, p. 108.*

A motion to go into Committee of the Whole House on the state of the Union to consider revenue bills has precedence on Friday. *3-55, Record, p. 266.*

The House having resolved itself into Committee of the Whole for the purpose of considering a particular revenue or general appropriation bill, the Committee of the Whole may not take up another bill. (738) *3-46, Record, p. 1357.*

The Committee on Ways and Means may report revenue bills at any time. (398) *Rule XI, section 59.*

The right to report at any time a bill raising revenue belongs only to the Ways and Means Committee. (404) *1-49, Record, pp. 7331, 7332.*

The words "raising revenue" in the rule giving privilege to the Ways and Means Committee are broadly construed to cover bills relating to the revenue. (408) *2-55, Record, p. 4581.*

A "bill raising revenue" means a bill repealing a revenue law as well as one enacting such law. (134, footnote) *2-55, Journal, p. 1303, Record, pp. 4605-4614.*

A bill providing for a tariff commission was decided not to be a revenue bill within the meaning of the rule giving such bills privilege. (403) *1-47, Record, pp. 1681-1687.*

The Constitution provides that all bills raising revenue shall originate in the House. (452) *Constitution, Article I, section 7, p. 6.*

582 RESOLUTIONS—RESOLUTIONS OF INQUIRY.

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584 REVENUE BILLS—RISING OF COMMITTEE.

REVENUE BILLS—Continued.

Alleged infringement by the treaty-making power on the constitutional right of the House to originate revenue measures presents a question of privilege. (139) *1-49, Journal, pp. 349, 350, Record, p. 917.*

The question as to the invasion of the privilege of the House when the Senate has originated revenue bills. (133-135) *2-27, Journal, p. 287, Globe, pp. 195, 196; 2-45, Journal, p. 1303, Record, pp. 4605-4614; 2-48, Journal, pp. 316, 317, 332, 333, Record, pp. 948, 962.*

REVISION OF THE LAWS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (643) *Rule X, Rule XI, section 35.*

RIDER RULE.

The "rider" rule for preventing legislation on appropriation bills. (485) *Rule XXI, section 2.*

The river and harbor bill not being one of the general appropriation bills, the rule relating to legislation on such bills does not apply to it. (569) *3-46, Record, pp. 1618-1624.*

The House may, upon a report by the Committee on Rules, authorize on an appropriation bill legislation which would otherwise be subject to the point of order. (580) *2-52, Record, pp. 1302, 1306.*

Provisions for the payment of claims against the Government are admitted in the general deficiency appropriation bill under certain circumstances. (594-598) *2-54, Record, p. 2065; 1-51, Record, pp. 8177, 8301, 8304.*

See also *Appropriation bills.*

RISING OF THE COMMITTEE.

The motion that the Committee of the Whole rise may be withdrawn at any time before the decision thereon is announced. (930) *1-31, Globe, p. 318.*

Before general debate is closed in Committee of the Whole it is not in order to move that the Committee rise and report the bill if any Member demands the right to amend. (729) *3-46, Record, pp. 1434, 1435.*

Before the reading of a bill for amendments has been concluded in Committee of the Whole it is not in order to move that the Committee rise and report the bill favorably. (730) *2-55, Record, p. 2737.*

A message being announced while the Committee of the Whole is in session, the Speaker takes the chair to receive it. (759, 1449) *Jefferson's Manual, Section XII, p. 123.*

Sometimes on the informal rising of the Committee of the Whole the House by unanimous consent transacts business, such as the presentation of enrolled bills, the swearing in of a member, or the voting on some proposition involved in a message just received. (760-763) *2-35, Globe, p. 1417; 2-46, Record, p. 3028; 1-54, Record, pp. 5249, 5270, 5532; 1-55, Record, p. 547.*

RIISING OF THE COMMITTEE—Continued.

It is not necessary that there be a quorum on the vote that the Committee of the Whole rise. (752) *1-35, Journal, pp. 814, 822, Globe, p. 2141.*

Tellers having been ordered and appointed it is not in order to move that the Committee of the Whole rise until the vote has been announced. (757, 1147) *1-51, Record, p. 5315; 2-55, Record, p. 605.*

The Committee of the Whole being in session when the hour arrives for the next regular meeting of the House, it rests with the Committee to determine whether or not it will rise. (1506, 1507) *1-24, Globe, p. 434; 1-26, Globe, p. 285.*

The hour previously fixed for the adjournment of the House arriving while the committee of the Whole is still in session, the chairman may direct the Committee to rise and make his report as though the committee had risen on motion in the regular way. (758) *1-54, Record, p. 3062.*

RIVER AND HARBOR BILL.

The river and harbor bill not being one of the general appropriation bills, the rule relating to legislation on such bills does not apply to it. (381, 461, 569, 919, 1644, 1645) *1-51, Journal, p. 660, Record, pp. 5239; 1-51, Record, pp. 5362, 5397; 3-46, Record, pp. 1618-1624; 1-48, Record, p. 5014; 2-48, Record, pp. 1604-1612, 1677, 1927, 2097.*

Points of order being reserved, paragraphs including matter of which River and Harbor Committee has no jurisdiction, such as canals, may be ruled out in Committee of the Whole. (1644, 1645) *1-48, Record, p. 5014; 2-48, Record, pp. 1677, 1927, 2097.*

RIVERS AND HARBORS.

The Appropriations Committee may report appropriations for improvement of rivers and harbors that have been authorized by law and placed under contract. (674) *2-52, Record, pp. 1023, 1065.*

RIVERS AND HARBORS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (617) *Rules X, XI, section 8.*

Committee has leave to report at any time on certain measures. (398) *Rule XI, section 59.*

ROLL.

At the beginning of each Congress the Clerk makes up the roll of Members-elect, and declines to entertain motions to amend that roll when the House meets. (1714, 1710, footnote) *Revised Statutes, section 31; 1-41, Globe, p. 3; 1-43, Record, p. 5; 1-45, Journal, pp. 9, 10.* Formerly motions to amend the roll were quite frequent. *1-38, Journal, p. 7.*

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ISING OF THE COMMITTEE—ROLL. 585

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At the beginning of each Congress the Clerk calls the Members to order, calls the roll, and presides pending the election of Speaker, deciding questions of order subject to an appeal. (1710) *Rule III, section 1*.

ROLL—Continued.

In the absence of Clerk and Sergeant-at-Arms the Doorkeeper makes up the roll of Members at the beginning of Congress. (1721) *Revised Statutes*, section 33.

Name of Member not removed, although resignation had been tendered to governor of State. (13) 2-48, *Report H. of R.*, No. 2679.

It has been held that there is no roll of Delegates which the Speaker is obliged to recognize at the time of swearing in Members-elect at the organization of the House. 1-47, *Record*, pp. 14, 23, 38.

Soldiers' roll. (1721) 23 *Stat. L.*, pp. 164, 393; 2-42, *Journal*, p. 952.

ROLL CALL.*How conducted.*

Upon a roll call the names of the Members are called alphabetically by surname, and after the roll has been once called the names of those not voting are called, after which the Speaker may not entertain a request to record a vote or announce a pair, except in cases where a Member's presence has been noted as part of a quorum. (1122) *Rule XV*, section 1.

A Member who is listening when his name should be called and fails to hear it is permitted to vote at the end of the roll call, but under other circumstances the Speaker may not entertain a request of a Member to be recorded, even though such Member may have been absent on service of the House. (1185-1187) 2-50, *Record*, p. 2106; 1-54, *Record*, pp. 3140, 6220.

When a Member's vote is incorrectly recorded it is his right on the next day, while the Journal is before the House for approval, to have the proper correction made. (1179) 2-30, *Journal*, p. 211, *Globe*, p. 172.

A Member who has answered "present" on a roll call may change his record to "aye" or "no;" but the rule does not permit the Speaker to entertain the request of a Member who has not answered at all to record his vote. (1178) 1-55, *Record*, pp. 1068, 1069.

Interruption of.

A roll call may not be interrupted because of the arrival of the time fixed by the rules for another order of business. (1173) 1-52, *Journal*, pp. 61, 62, *Record*, p. 976.

A roll call is not interrupted by the arrival of an hour fixed for a recess by rule or prior vote of the House. (1171, 1172) 1-51, *Journal*, p. 934, *Record*, p. 8352; 2-55, *Record*, p. 847.

A roll call may not be interrupted by a motion to adjourn or that further proceedings under a call be dispensed with. (1170) 1-47, *Journal*, pp. 597, 641, *Record*, pp. 1238, 1245, 1366.

A roll call may not be interrupted for debate, even for the presentation of a case of personal privilege. (1167, 1168) 1-31, *Globe*, p. 1686; 1-51, *Journal*, pp. 936, 937, *Record*, pp. 8345, 8352, 8373.

ROLL CALL—Continued.

Interruption of—Continued.

A conference report, though highly privileged, is not in order during a roll call or while the House is dividing. (1391) *Rule XXIX*.

Sometimes the Speaker interrupts a roll call when the hour for adjournment *sine die* arrives. (1523–1526) 1–28, *Journal*, p. 1175, *Globe*, p. 696; 2–28, *Globe*, p. 396; 2–35, *Journal*, p. 626, *Globe*, p. 1684; 2–44, *Journal*, p. 698, *Record*, p. 2251.

For call of the House.

The rule whereby a quorum is obtained and the vote taken on the pending proposition by one roll call. (287) *Rule XV*, section 4.

On a call of the House under section 2 of Rule XV a second call of the roll is not required. (332, 333) 1–51, *Journal*, pp. 527, 935, *Record*, pp. 3903, 3371.

ROOMS.

The Speaker has control of the Hall, the corridors, and unappropriated rooms. (44) *Rule I*, section 3.

The Doorkeeper is charged with the custody of furniture, books, and other public property in the committee and other rooms, and must account to the House and the Committee on Accounts. (1719) *Rule V*, section 2.

RULES.

General provisions relating to.

The House determines the rules of its proceedings. *Constitution*, Article I, section 5, p. 5.

In the absence of rules the House is governed by the general parliamentary law of the land. (1142, 1535–1537) 1–50, *Record*, pp. 39, 41, 109; 1–51, *Record*, pp. 192, 193, 741, 749, *Journal*, p. 144.

The House is governed by the rules of Jefferson's Manual in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House. (1533) *Rule XLIV*.

Before the adoption of rules a resolution relating to the order of business was held to be in order for immediate consideration. (444) 1–51, *Journal*, p. 19, *Record*, pp. 166, 167.

The constitutional right of the House to "determine the rules of its proceeding" may not be impaired or destroyed by the indefinite repetition of dilatory motions. (1543) 1–47, *Journal*, p. 1362, *Record*, p. 4278.

The rules of proceeding in the House are observed in Committee of the Whole so far as they may be applicable. (726) *Rule XXIII*, section 8.

It is, in effect, an amendment of the rules to impose other duties upon an officer of the House than those already prescribed. (1534) 1–31, *Journal*, p. 456, *Globe*, p. 277.

ROLL—Continued.

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RULES—Continued.*General provisions relating to*—Continued.

A resolution providing for the appointment of a select committee has been held not to be a change of the rules. (1606) *1-47, Journal, p. 668, Record, pp. 1447, 1448.*

For the election of President by the House. (1768) *2-18, Journal, pp. 213, 215, 220, 222.*

Provisions of the Constitution and rules relating to privilege. (91-94) *Constitution, Article I, section 6, pp. 5, 6; Jefferson's Manual, Section III, pp. 108-114; Section XXXIII, p. 155; Rule IX.*

A special order amounts to a change of the rules, and regularly can be adopted only in the manner prescribed for changing the rules, it being a change of the established order of business. (1254-1257) *1-23, Journal, p. 785; 3-27, Journal, p. 355, Globe, p. 276; 1-31, Journal, p. 1096, Globe, p. 1350; 1-31, Journal, p. 1176, Globe, p. 1442.*

A motion which in effect rescinded a rule of the House, having been offered without objection and agreed to by the House, was held to be in force as against the rule. *3-55, Record, pp. 1691, 1712.*

Committee on.

The Committee on Rules has leave to report at any time, and pending consideration of the report one motion to adjourn may be entertained, but thereafter no dilatory motion. (398) *Rule XI, section 59.*

Pending a report from the Committee on Rules one motion to adjourn is in order, and thereafter no other dilatory motion, even of the highest privilege, is in order. (1544, 1546) *1-52, Journal, p. 126, Record, p. 2837; 2-53, Journal pp. 520, 521, Record, p. 8009.*

In the Fifty-second and Fifty-third Congresses the former practice of entertaining the question of consideration against a report of the Committee on Rules was reversed. (829-831) *1-52, Journal, p. 91; 2-53, Journal, pp. 71, 72, Record, p. 528; 2-51, Journal, p. 273.*

Pending consideration of a report from the Committee on Rules the question of consideration and appeals have been ruled out of order as dilatory. (1547) *1-53, Journal, pp. 96, 97, 98.*

It has been held once that a report from the Committee on Rules was in order before the reading and approval of the Journal. (223) *1-52, Journal, p. 91, Record, p. 1825.* See, however (221-225), *1-34, Journal, p. 1253, Globe, p. 1710; 2-50, Record, pp. 676, 677; 1-52, Journal, p. 91, Record, p. 1825; 2-52, Journal, p. 98, Record, p. 1863; 2-53, Journal, pp. 308, 309.*

A special order fixing a day for particular business is a change of rules, and may be reported at any time as a privileged question by the Committee on Rules. (1539) *1-49, Journal, p. 2171, Record, pp. 6759, 6760.*

After the previous question is ordered on a report from the Committee on Rules the motion to recommit is admitted under the more recent practice of the House, although the rulings conflict. (1552-1555) *2-53, Journal, pp. 71, 72, 279, 280; Record, pp. 534, 3284.*

RULES—Continued.

Committee on—Continued.

The question as to whether or not a question of privilege should have precedence of a report from the Committee on Rules. (1549-1551) 2-53, *Journal*, pp. 71, 72, 132, *Record*, pp. 485, 527, 1809; 1-55, *Record*, p. 2478.

It has been held that the Committee on Rules has jurisdiction to report a matter not referred to them. (1548) 2-53, *Journal*, p. 61, *Record*, p. 502. See, however (661-665), 1-31, *Journal*, p. 590; 1-45, *Journal*, p. 159, *Record*, p. 256; 1-48, *Journal*, p. 1108; 1-51, *Journal*, p. 967, *Record*, p. 8772; 1-53, *Journal*, pp. 96, 97, 98.

The Committee on Rules has jurisdiction to report a resolution for the consideration of a measure, even though the effect be to discharge a committee from a matter pending before it. (1542) 3-53, *Journal*, p. 104.

A resolution directing a committee to make an investigation goes to the Committee on Rules. 3-55; *Record*, pp. 310, 353.

A proposition to increase the duties of a committee is a change of the rules and should be referred to the Committee on Rules. (659) 1-51, *Journal*, p. 1116, *Record*, pp. 10777, 10778.

It has been established, after various changes of rule and practice, that a proposition to change the rules must be referred to the Committee on Rules. (1540, 1541) 1-31, *Globe*, p. 1226; 1-46, *Journal*, p. 437.

The practice of the Committee on Rules reporting in part at different times was sanctioned by the decision that a committee having leave to report at all times may report in part at different times. (1538) 1-27, *Journal*, p. 204.

Suspension of.

Rules are suspended by a two-thirds vote on the last six days of a session and on the first and third Mondays of each month, individuals having preference on the first Monday and committees on the second. (1556) *Rule XXVIII*, section 1.

Pending a motion to suspend the rules the Speaker may entertain one motion that the House adjourn, but thereafter no other dilatory motion may be made. (1559) *Rule XVI*, section 8.

Motions to suspend the rules must be seconded by a majority by tellers. (1557) *Rule XXVIII*, section 2.

On a motion to suspend the rules the right to demand a second is not necessarily precluded by preliminary debate. (1560) 1-53, *Journal*, pp. 174, 175, *Record*, p. 3127.

The yeas and nays may not be demanded on the seconding of a motion to suspend the rules. (1561) 2-55, *Record*, p. 6172.

A motion to suspend the rules pending and undisposed of on one suspension day is first in order on the next, the individual motion going over to committee day, and *vice versa*. (1571, 1573) 1-50, *Journal*, p. 1956, *Record*, p. 4474; 1-54, *Record*, p. 6197.

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RULES—Continued.

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A motion to suspend the rules pending and undisposed of on one suspension day is first in order on the next, the individual motion going over to committee day, and *vice versa*. (1571, 1573) *1-50, Journal*, p. 1956, *Record*, p. 4474; *1-54, Record*, p. 6197.

RULES—Continued.**Suspension of—Continued.**

A bill on which a second fails to be ordered on a suspension day does not come over as unfinished business to the next suspension day. (1575, 1576.) 2-52, *Journal*, p. 122, *Record*, p. 2353; 2-55, *Record*, p. 4521.

A bill which, on a suspension day was withdrawn with an agreement that it should be unfinished business on the next suspension day, was held to continue as unfinished business although not called up on the day named. 3-55, *Record*, pp. 1501, 1502.

On committee suspension days the Speaker sometimes calls the committees in regular order for motions to suspend the rules, but this method is not required by the rules. (1562, 1563) 3-46, *Journal*, p. 104, *Record*, pp. 273, 274; 1-51, *Record*, p. 1405.

It has been held that the rules permit but do not require the Speaker to entertain motions to suspend the rules. (1605) 2-53, *Journal*, p. 438, *Record*, p. 6476.

The motion to suspend the rules on a committee suspension day must be formally and specifically authorized by a committee. (1598, 1599) 1-51, *Journal*, p. 242, *Record*, p. 1405.

After a motion to suspend the rules has been seconded and debate has begun it is too late to make the point that the motion has not been authorized by a committee. (1600) 2-51, *Record*, p. 489.

If, on a committee suspension day, an individual motion to suspend the rules is made and seconded, it is then too late to make a point of order. (1601) 1-50, *Journal*, pp. 1649, 1650, *Record*, pp. 3023, 3026.

When suspension of the rules is asked to pass a bill, a Member opposing the bill is entitled to demand a second, and thus control the time in opposition. (76) 2-54, *Record*, p. 2365.

A motion to reconsider a vote upon a motion to suspend the rules is not in order. (1201) 2-31, *Journal*, p. 134, *Globe*, pp. 182, 225.

It was formerly a practice to suspend the rules to enable bills to be reported from committees and at the same time considered in the House. (1592) 1-34, *Journal*, pp. 1172, 1173, *Globe*, p. 1558.

On one motion to suspend the rules a vote whereby a resolution had been passed was reconsidered, the resolution amended, and as amended passed. 3-55, *Record*, p. 1504.

The right to have read a paper on which the House is to vote may be abrogated by a suspension of the rules, even though the previous question may have been ordered. (1249-1253) 1-32, *Journal*, p. 1116, *Globe*, p. 2416; 3-34, *Journal*, p. 386, *Globe*, p. 631; 2-35, *Journal*, p. 572, *Globe*, p. 1668; 2-38, *Journal*, pp. 397, 398, *Globe*, p. 1334; 1-44, *Journal*, p. 1331, *Record*, p. 4861.

Suspension of—Motion, how treated.

A motion to suspend the rules may not be postponed indefinitely. (1583) 1-26, *Globe*, p. 121.

RULES—Continued.

Suspension of—Motion, how treated—Continued.

It is not in order, according to the later practice, to lay on the table a motion to suspend the rules. (1581, 1582) 1-29, *Journal*, p. 363, *Globe*, p. 343; 2-35, *Journal*, p. 510, *Globe*, pp. 1418, 1419.

A motion to suspend the rules may not be amended. (1579, 1580) 2-30, *Globe*, pp. 319, 320; 2-35, *Journal*, p. 477, *Globe*, p. 1324.

Suspension of—Precedence of motion.

A motion to suspend the rules may be entertained, although a measure on which the previous question has been ordered may be pending. (1565) 1-52, *Journal*, p. 349, *Record*, p. 6994.

While a motion to suspend the rules was under debate the Speaker declined to declare the House in recess at 5 p. m. Friday. (1593) 1-52, *Journal*, pp. 274, 277, *Record*, p. 5919.

If connected with the business immediately before the House, a motion to suspend the rules may be admitted while the House is acting under a suspension. (1591) 2-36, *Journal*, pp. 190, 212.

A motion to suspend the rules is in order pending a motion to fix the day to which the House shall adjourn, even when the latter motion is highly privileged. (1603) 2-52, *Journal*, pp. 75, 76, *Record*, p. 1255.

A motion to suspend the rules may be entertained pending a motion for a recess, even when the latter motion is highly privileged. (1602) 2-42, *Journal*, p. 1099, *Globe*, pp. 4434, 4435.

The motion to go into Committee of the Whole to consider general appropriation bills is highly privileged and may be made on a "suspension day." (391) 2-51, *Journal*, p. 251.

Pending a resolution to suspend the rules a motion for a recess is not in order. (1569, 1570) 1-45, *Journal*, p. 290, *Record*, pp. 811, 812.

Suspension of—When not in order.

It is not in order to move a suspension of the rules while the House is acting under a suspension of the rules. (1588, 1589) 2-27, *Globe*, pp. 23, 58, 142.

A motion to suspend the rules is not in order while the House is acting under a suspension of the rules on a special order. (1590) 2-29, *Journal*, p. 194, *Globe*, p. 401.

It is not in order to move a suspension of the rules while the previous question is operating. (1578) 2-33, *Journal*, p. 564, *Globe*, pp. 1176, 1177.

A question of high privilege being before the House, the Speaker held generally that a motion to suspend the rules was not in order while another motion was pending. (1604) 2-48, *Record*, p. 2565.

Pending the decision of so high a question of privilege as the right of a Member to his seat, a motion to suspend the rules is not in order. (111) 2-44, *Journal*, p. 15, *Record*, p. 11.

RULES—Continued.**Suspension of**—Continued.

A bill on which a second fails to be ordered on a suspension day does not come over as unfinished business to the next suspension day. (1575, 1576.) 2-52, *Journal*, p. 122, *Record*, p. 2353; 2-55, *Record*, p. 4521.

A bill which, on a suspension day was withdrawn with an agreement that it should be unfinished business on the next suspension day, was held to continue as unfinished business although not called up on the day named. 3-55, *Record*, pp. 1501, 1502.

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It has been held that the rules permit but do not require the Speaker to entertain motions to suspend the rules. (1605) 2-53, *Journal*, p. 438, *Record*, p. 6476.

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After a motion to suspend the rules has been seconded and debate has begun it is too late to make the point that the motion has not been authorized by a committee. (1600) 2-51, *Record*, p. 439.

If, on a committee suspension day, an individual motion to suspend the rules is made and seconded, it is then too late to make a point of order. (1601) 1-50, *Journal*, pp. 1649, 1650, *Record*, pp. 3023, 3026.

When suspension of the rules is asked to pass a bill, a Member opposing the bill is entitled to demand a second, and thus control the time in opposition. (76) 2-54, *Record*, p. 2365.

A motion to reconsider a vote upon a motion to suspend the rules is not in order. (1201) 2-31, *Journal*, p. 134, *Globe*, pp. 182, 225.

It was formerly a practice to suspend the rules to enable bills to be reported from committees and at the same time considered in the House. (1592) 1-34, *Journal*, pp. 1172, 1173, *Globe*, p. 1558.

On one motion to suspend the rules a vote whereby a resolution had been passed was reconsidered, the resolution amended, and as amended passed. 3-55, *Record*, p. 1504.

The right to have read a paper on which the House is to vote may be abrogated by a suspension of the rules, even though the previous question may have been ordered. (1249-1253) 1-32, *Journal*, p. 1116, *Globe*, p. 2416; 3-34, *Journal*, p. 386, *Globe*, p. 631; 2-35, *Journal*, p. 572, *Globe*, p. 1668; 2-38, *Journal*, pp. 397, 398, *Globe*, p. 1334; 1-44, *Journal*, p. 1331, *Record*, p. 4861.

Suspension of—**Motion, how treated.**

A motion to suspend the rules may not be postponed indefinitely. (1583) 1-26, *Globe*, p. 121.

RULES—Continued.

Suspension of—Motion, how treated—Continued.

It is not in order, according to the later practice, to lay on the table a motion to suspend the rules. (1581, 1582) 1-29, *Journal*, p. 363, *Globe*, p. 343; 2-35, *Journal*, p. 510, *Globe*, pp. 1418, 1419.

A motion to suspend the rules may not be amended. (1579, 1580) 2-30, *Globe*, pp. 319, 320; 2-35, *Journal*, p. 477, *Globe*, p. 1324.

Suspension of—Precedence of motion.

A motion to suspend the rules may be entertained, although a measure on which the previous question has been ordered may be pending. (1565) 1-52, *Journal*, p. 349, *Record*, p. 6994.

While a motion to suspend the rules was under debate the Speaker declined to declare the House in recess at 5 p. m. Friday. (1593) 1-52, *Journal*, pp. 274, 277, *Record*, p. 5919.

If connected with the business immediately before the House, a motion to suspend the rules may be admitted while the House is acting under a suspension. (1591) 2-36, *Journal*, pp. 190, 212.

A motion to suspend the rules is in order pending a motion to fix the day to which the House shall adjourn, even when the latter motion is highly privileged. (1603) 2-52, *Journal*, pp. 75, 76, *Record*, p. 1255.

A motion to suspend the rules may be entertained pending a motion for a recess, even when the latter motion is highly privileged. (1602) 2-42, *Journal*, p. 1099, *Globe*, pp. 4434, 4435.

The motion to go into Committee of the Whole to consider general appropriation bills is highly privileged and may be made on a "suspension day." (391) 2-51, *Journal*, p. 251.

Pending a resolution to suspend the rules a motion for a recess is not in order. (1569, 1570) 1-45, *Journal*, p. 290, *Record*, pp. 811, 812.

Suspension of—When not in order.

It is not in order to move a suspension of the rules while the House is acting under a suspension of the rules. (1588, 1589) 2-27, *Globe*, pp. 23, 58, 142.

A motion to suspend the rules is not in order while the House is acting under a suspension of the rules on a special order. (1590) 2-29, *Journal*, p. 194, *Globe*, p. 401.

It is not in order to move a suspension of the rules while the previous question is operating. (1578) 2-33, *Journal*, p. 564, *Globe*, pp. 1176, 1177.

A question of high privilege being before the House, the Speaker held generally that a motion to suspend the rules was not in order while another motion was pending. (1604) 2-48, *Record*, p. 2565.

Pending the decision of so high a question of privilege as the right of a Member to his seat, a motion to suspend the rules is not in order. (111) 2-44, *Journal*, p. 15, *Record*, p. 11.

RULES—Continued.**Suspension of—When not in order**—Continued.

A committee may not move to suspend the rules and pass a bill which has not been referred to it. (1597) *1-51, Record, p. 8772.*

Suspension of—Effect.

A motion to suspend the rules waives and suspends all requirements of the rules and brings the House directly to the vote (excepting the forty minutes of debate). (1564) *1-51, Journal, p. 298, Record, p. 1881.*

The rules may be suspended by a single vote, so as to permit the House to vote immediately on an amendment to a bill and then on the bill. (1587) *1-44, Record, p. 444.*

The rules having been suspended simply for the introduction of a matter, that matter may be amended. (1583) *1-26, Globe, p. 121.*

According to the later practice, where the rules are suspended to enable a Member to submit a particular proposition, if he withdraw it another Member may not renew it. (1584, 1585) *1-23, Journal, p. 631; 2-36, Journal, pp. 131, 140, Globe, pp. 233, 235, 244.*

After the rules have been suspended to allow a proposition to be submitted it may not be modified by the mover. (1577) *1-31, Globe, p. 1727.*

A committee which has presented a bill on which a second has not been ordered may withdraw it on a succeeding suspension day. (1574) *2-51, Journal, p. 55, Record, pp. 488, 489.*

A motion to suspend the rules may be withdrawn at any time before a second is ordered. (1596) *1-53, Journal, pp. 174, 175, Record, p. 3127.*

On a motion to suspend the rules, as on other motions, a Member has the right to modify a proposition submitted by him at any time before action which places it within the control of the House. (1595) *1-50, Journal, pp. 2716, 2722, Record, p. 8232.*

When the rules have been suspended simply to introduce a proposition it has been the practice to amend it when considered. (1594) *1-30, Journal, p. 692.*

Suspension of—Debate.

Forty minutes of debate are allowed on a motion to suspend the rules and where the previous question has been ordered on a proposition on which there has been no debate. (1558) *Rule XXVIII, section 3.*

On a motion to suspend the rules the forty minutes of debate are allowed, although the proposition presented may not otherwise be debatable. (1566) *2-52, Journal, p. 142, Record, p. 2606.*

Except as specially provided by rule, the motion to suspend the rules is not debatable. (1586) *2-27, Globe, p. 121; 1-29, Journal, p. 363, Globe, p. 343.*

RULES—Continued.

Suspension of—Quorum.

When a quorum has failed after a motion to suspend the rules, the motion to adjourn may not be repeated unless a quorum fails to appear on a call of the House. (1567) 1-47, *Record*, pp. 2081, 2082, 2083.

The presence of a quorum being disclosed, a motion for a call of the House is not in order pending a motion to suspend the rules. (1568) 1-52, *Journal*, p. 277, *Record*, p. 5922.

On a vote to second by tellers a motion to suspend the rules a quorum did not vote, whereupon the Speaker counted those present, and, a quorum being ascertained, decided that the motion was seconded. (243) 1-51, *Journal*, p. 243, *Record*, p. 1415.

Pending a motion to suspend the rules, a motion to adjourn having been voted down and no quorum voting to second the former motion, it was held that the motion to adjourn might be repeated. (1502) 3-50, *Journal*, p. 103, *Record*, pp. 300, 301.

After a motion to suspend the rules has been made, and one motion to adjourn has been negatived, a second motion to adjourn may be entertained after the lack of a quorum has been ascertained. 3-55, *Record*, p. 2121.

RULES, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (651) *Rule X, Rule XI, section 52.*

No committee except the Committee on Rules may sit without leave during the sitting of the House. (657) *Rule XI, section 60.*

The House may, upon a report by the Committee on Rules, authorize on an appropriation bill legislation which would otherwise be subject to the point of order. (580) 2-52, *Record*, pp. 1302, 1306.

SALARIES.

Of Members, conditions of payment, and continuance. (11) *Constitution, Article I, section 6, p. 5; Revised Statutes, sections 38, 40, 41, 47-51; 18 Stat. L., p. 4; 20 Stat. L., p. 400; 18 Stat. L., p. 389; 26 Stat. L., p. 645; 22 Stat. L., p. 108; 19 Stat. L., p. 145.*

The certificate of the Speaker is conclusive as to salary and mileage. (1755) *Decisions Comptroller, Vol. II, p. 339.*

A deduction from the salaries of Members under section 40 of the Revised Statutes does not involve a question of privilege. (189) 2-53, *Journal*, pp. 358, 359.

The appropriation of a less sum than the amount fixed by law for the salary of an officer is not a change of law, even though it be accompanied by such a condition as practically affects a reduction of the salary. (546) 1-54, *Record*, pp. 2009-2019.

It is not a change of existing law for the House to decline to make appropriation for salaries fixed by law. (547) 2-55, *Record*, p. 1443.

RULES—Continued.***Suspension of—When not in order—Continued.***

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The clerk to the Committee on the Post-Office and Post-Roads being appointed a postmaster was decided to be entitled to his salary as clerk until his successor was appointed, although his salary as postmaster had already begun. (722) *Decisions First Comptroller (Bowler) 1893-94*, p. 61.

In case of a month's extra pay an employee having an annual salary is entitled to one-twelfth of the sum of that salary. (1706) *Decisions Comptroller of Treasury (Bowler)*, Vol. I, p. 297.

SEAL OF THE HOUSE.

The Clerk attests and affixes the seal of the House to all writs, warrants, and subpoenas. (1712) *Rule III*, section 3.

SEATS OF MEMBERS.

Rule regulating the drawing of seats and its development. (6) *Rule XXXII*, sections 1, 2.

SECOND.

Motions to suspend the rules must be seconded by a majority by tellers. (1557) *Rule XXVIII*, section 2.

The yeas and nays may not be demanded on the seconding of a motion to suspend the rules. (1561) 2-55, *Record*, p. 6172.

When the House is acting under the call of the House provided for by section 4 of Rule XV, the motion to adjourn is seconded by a majority. (287) *Rule XV*, section 4.

SECRET SESSIONS.

The rule providing for secret sessions of the House. (1770, 1771) *Rule XXX*; 2-37, *Globe*, p. 554.

A citizen who declined to testify concerning a betrayal of the secrets of the House was committed to the custody of the Sergeant-at-Arms. (159) 1-12, *Journal*, pp. 276, 277, 280, *Annals*, p. 1266.

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SECRETARY OF THE SENATE.

Entitled to the privilege of the floor of the House during its sessions. (1740) *Rule XXXIV*.

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SECTIONS.

Each section of a bill shall be numbered and shall contain as nearly as may be a single proposition of enactment. (455) *Revised Statutes, section 10.*

The amendment of the numbering of the sections of a bill is done by the Clerk. (1046) *Jefferson's Manual, Section XXXV, p. 161.*

The Committee of the Whole may, after the five-minute debate has begun, close debate on the sections, paragraph, or pending amendments; but this does not preclude further amendment. (914) *Rule XXIII, section 6.*

The right to limit debate on the pending section of a bill which is being considered in Committee of the Whole under the five-minute rule may be exercised by the House as well as by the Committee of the Whole. (920) *1-53, Journal, p. 154.*

It has been held in order in the House to close debate on a section of a bill in Committee of the Whole, although only a portion of the section had been read for amendments. (919) *2-48, Record, pp. 1604-1612.*

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SELECT COMMITTEES.

Select and conference committees are appointed by the Speaker under the rule. (605) *Rule X, section 2.*

A resolution providing for the appointment of a select committee is not in violation of the rule relating to the standing committees. (603, 1606) *1-47, Journal, p. 668, Record, pp. 1447, 1448.*

A resolution to commit which creates a select committee may, at the same time, as part of the instructions to the committee, give to it the power to send for persons and papers. (1020) *2-44, Journal, p. 297, Record, p. 926.*

A select committee that has reported, and consequently become dissolved, may be revived by a vote referring a matter to it or by a recommittal; but in case of recommittal with instructions the committee must, in reporting, confine themselves to the instructions. (693-695) *2-37, Journal, p. 874, Globe, pp. 2764, 2790; 3-37, Journal, pp. 487, 489, Globe, p. 1295.*

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SENATE.

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SENATE—Continued.

Visits and relations between the Houses. (1775, 1776) 2-51, *Journal*, p. 59, *Record*, p. 530; 1-40, *Globe*, p. 253.

It is a breach of order to refer in debate to proceedings in the other House, and it is particularly the duty of the Speaker to prevent such expressions. (907) *Jefferson's Manual*, Section XVII, p. 132; 3-55, *Record Appendix*, pp. 3839.

Is notified of the organization of the House. (2) 2-54, *Record*, p. 12.

A Speaker pro tempore being elected, the Senate was notified of the election. (54) 1-5, *Journal*, pp. 266, 316, *Annals*, pp. 1475, 1835.

An assault by a Member of the House upon a Senator at his seat in the Senate was determined to be a breach of the privileges of the House as well as of the Senate. (167) 1-34, *Journal*, pp. 1023, 1029, 1076, 1077, 1185-1187, 1193-1194, 1197-1201, 1205-1221, *Globe*, pp. 1290, 1348-1352, 1578.

Requests of the Senate for the return of a bill are treated as privileged in the House. (483, 484) 1-54, *Record*, pp. 5126, 6110.

A Member whose motives have been impugned in the Senate may refer to proceedings in that body sufficiently to explain his own motives, but may not under the rights of privilege bring into discussion the whole merits of the controversy. (102) 1-52, *Journal*, p. 354.

Question as to its right to originate revenue bills. (133-135) 2-27, *Journal*, p. 287, *Globe*, pp. 195, 196; 2-45, *Journal*, p. 1303, *Record*, pp. 4605-4614; 2-48, *Journal*, pp. 316, 317, 332, 333, *Record*, pp. 948, 962.

SENATE AMENDMENTS.*General provisions.*

Senate amendments to a House bill are considered in their order. (1334) 1-52, *Journal*, p. 336, *Record*, pp. 6824, 6864.

An illustration of amendments between the Houses, disagreement, and final settlement by conference. (1355) 2-55, *Record*, pp. 4041, 4050, 4060, 4062-4064.

The Senate having amended by striking out, the House may concur with an amendment inserting. (1365) 1-34, *Journal*, pp. 1427, 1484, 1516, 1518, 1600, 1602, *Globe*, p. 2037.

A motion being made to concur with an amendment, it is in order to propose to that amendment an amendment and a substitute. (1347) 1-55, *Record*, pp. 810-812.

One House may recede from its amendment after the other House has returned it amended. (1354) 2-55, *Record*, pp. 6097, 6099, 6377.

An amendment must be germane to the Senate amendment to which it is offered, it not being sufficient that it should be germane to the general provisions of the bill. (1335-1341) 1-48, *Journal*, p. 1653; 2-50, *Journal*, p. 667, *Record*, p. 2454; 2-48, *Record*, pp. 2421, 2422; 2-55, *Record*, pp. 2640-2643, 2713, 2716, 6098.

SENATE AMENDMENTS—Continued.*General provisions*—Continued.

The question as to whether or not an amendment to a Senate amendment, being germane, may involve a change of law and therefore be such as would not have been in order if offered originally in the House. (1336-1338) 2-50, *Journal*, p. 667, *Record*, p. 2454; 2-48, *Record*, pp. 2421, 2422; 2-55, *Record*, p. 6098.

It is in order to lay upon the table Senate amendments to a House bill, and the bill in such a case goes to the table with the amendments. (953) 1-33, *Journal*, p. 1250, *Globe*, p. 2071.

Forms of special orders providing for nonconcurring in Senate amendments. (1319, 1320) 1-55, *Record*, p. 2478; 2-55, *Record*, p. 5566.

While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (1373) 2-53, *Journal*, pp. 563, 564, *Record*, pp. 8469, 8470.

The previous question being ordered on a motion to concur in a Senate amendment to a House bill, it is in order to commit the bill and amendment to a committee with instructions. (1005) 1-53, *Journal*, p. 162, *Record*, p. 3060.

See also *Conference*.

Precedence of motions relating to.

The motion to insist has precedence of the motion to adhere. (1365) 1-34, *Journal*, pp. 1427, 1484, 1516, 1518, 1600, 1602, *Globe*, p. 2037.

Before the stage of disagreement has been reached the motion to refer Senate amendments has precedence of the motion to concur. (1343-1345) 1-48, *Record*, p. 3942; 2-52, *Journal*, p. 101, *Record*, p. 1954; 2-54, *Record*, p. 372; 2-55, *Record*, pp. 839, 840.

The stage of disagreement not having been reached, the motion to concur with an amendment has precedence of the simple motion to concur. (1346) 2-55, *Record*, pp. 839, 840.

A motion to recede and concur in a Senate amendment with an amendment takes precedence of a motion to further insist on the House's disagreement to the Senate amendment. (1348) 1-55, *Record*, pp. 2641, 2642.

The stage of disagreement having been reached, the motion to recede and concur takes precedence of the motion to recede and concur with an amendment. (1349-1353) 2-53, *Journal*, p. 557, *Record*, p. 8389; 3-53, *Journal*, p. 185, *Record*, p. 3178; 1-54, *Record*, p. 6068; 1-55, *Record*, p. 2661; 2-55, *Record*, p. 6731.

A motion to recede and concur is in order even after the previous question has been demanded on a motion to insist. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062-4064.

SENATE—Continued.

Visits and relations between the Houses. (1775, 1776) 2-51, *Journal*, p. 59, *Record*, p. 530; 1-40, *Globe*, p. 253.

It is a breach of order to refer in debate to proceedings in the other House, and it is particularly the duty of the Speaker to prevent such expressions. (907) *Jefferson's Manual*, Section XVII, p. 132; 3-55, *Record Appendix*, pp. 3839.

Is notified of the organization of the House. (2) 2-54, *Record*, p. 12.

A Speaker pro tempore being elected, the Senate was notified of the election. (54) 1-5, *Journal*, pp. 266, 316, *Annals*, pp. 1475, 1835.

An assault by a Member of the House upon a Senator at his seat in the Senate was determined to be a breach of the privileges of the House as well as of the Senate. (167) 1-34, *Journal*, pp. 1023, 1029, 1076, 1077, 1185-1187, 1193-1194, 1197-1201, 1205-1221, *Globe*, pp. 1290, 1348-1352, 1578.

Requests of the Senate for the return of a bill are treated as privileged in the House. (483, 484) 1-54, *Record*, pp. 5126, 6110.

A Member whose motives have been impugned in the Senate may refer to proceedings in that body sufficiently to explain his own motives, but may not under the rights of privilege bring into discussion the whole merits of the controversy. (102) 1-52, *Journal*, p. 354.

Question as to its right to originate revenue bills. (133-135) 2-27, *Journal*, p. 287, *Globe*, pp. 195, 196; 2-45, *Journal*, p. 1303, *Record*, pp. 4605-4614; 2-48, *Journal*, pp. 316, 317, 332, 333, *Record*, pp. 948, 962.

SENATE AMENDMENTS.*General provisions.*

Senate amendments to a House bill are considered in their order. (1334) 1-52, *Journal*, p. 336, *Record*, pp. 6824, 6864.

An illustration of amendments between the Houses, disagreement, and final settlement by conference. (1355) 2-55, *Record*, pp. 4041, 4050, 4060, 4062-4064.

The Senate having amended by striking out, the House may concur with an amendment inserting. (1365) 1-34, *Journal*, pp. 1427, 1484, 1516, 1518, 1600, 1602, *Globe*, p. 2037.

A motion being made to concur with an amendment, it is in order to propose to that amendment an amendment and a substitute. (1347) 1-55, *Record*, pp. 810-812.

One House may recede from its amendment after the other House has returned it amended. (1354) 2-55, *Record*, pp. 6097, 6099, 6377.

An amendment must be germane to the Senate amendment to which it is offered, it not being sufficient that it should be germane to the general provisions of the bill. (1335-1341) 1-48, *Journal*, p. 1653; 2-50, *Journal*, p. 667, *Record*, p. 2454; 2-48, *Record*, pp. 2421, 2422; 2-55, *Record*, pp. 2640-2643, 2713, 2716, 6098.

SENATE AMENDMENTS—Continued.

General provisions—Continued.

The question as to whether or not an amendment to a Senate amendment, being germane, may involve a change of law and therefore be such as would not have been in order if offered originally in the House. (1336-1338) 2-50, *Journal*, p. 667, *Record*, p. 2454; 2-48, *Record*, pp. 2421, 2422; 2-55, *Record*, p. 6098.

It is in order to lay upon the table Senate amendments to a House bill, and the bill in such a case goes to the table with the amendments. (953) 1-33, *Journal*, p. 1250, *Globe*, p. 2071.

Forms of special orders providing for nonconcurring in Senate amendments. (1319, 1320) 1-55, *Record*, p. 2478; 2-55, *Record*, p. 5566.

While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (1373) 2-53, *Journal*, pp. 563, 564, *Record*, pp. 8469, 8470.

The previous question being ordered on a motion to concur in a Senate amendment to a House bill, it is in order to commit the bill and amendment to a committee with instructions. (1005) 1-53, *Journal*, p. 162, *Record*, p. 3060.

See also *Conference*.

Precedence of motions relating to.

The motion to insist has precedence of the motion to adhere. (1365) 1-34, *Journal*, pp. 1427, 1434, 1516, 1518, 1600, 1602, *Globe*, p. 2037.

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A motion to recede and concur is in order even after the previous question has been demanded on a motion to insist. (1355) 2-55, *Record*, pp. 4041, 4056, 4060, 4062-4064.

SENATE AMENDMENTS—Continued.**Adherence.**

After one House has adhered the other may recede or ask a conference, which may be agreed to by the adhering House. (1358-1362) 1-1, *Journal*, pp. 104, 105, 113, 114, 116, 124, 125 (*Gales & Seaton ed.*); 1-2, *Journal*, p. 551 (*Gales & Seaton*); 1-3, *Journal*, p. 133 (*Gales & Seaton*); 1-35, *Journal*, pp. 604, 615, 620, *Globe*, pp. 1544, 1589, 1590. The House may agree to a conference without reconsidering its vote to adhere. (1362) 1-35, *Journal*, pp. 604, 615, 620, *Globe*, pp. 1544, 1589, 1590.

Pending a demand for the previous question on a motion to adhere, a motion to recede was not entertained. (1362) 1-35, *Journal*, pp. 604, 615, 620, *Globe*, pp. 1544, 1589, 1590.

Instances have occurred where one House has adhered at once, and then has even refused a conference. (1363) 1-19, *Journal*, pp. 485, 510, 513, 517, 541, 545, 550, 568, 576, 590, *Debate*, pp. 2601, 2603.

After the House had adhered it reconsidered its action, receded from its disagreement, and agreed to the Senate amendment with an amendment. (1357) 1-1, *Journal*, pp. 107, 108 (*Gales & Seaton ed.*).

An instance of prolonged disagreement, ending in adherence by both Houses. (1365) 1-34, *Journal*, pp. 1427, 1484, 1516, 1518, 1600, 1602, *Globe*, p. 2037.

Conferences.

Where one House has voted at once to adhere, the other may insist and ask a conference; but the motion to recede has precedence. (1364) 1-23, *Journal*, p. 229, *Debates*, pp. 2453, 2494, 2498.

Conferees having reported their inability to agree, a resolution insisting on the House's disagreement to the Senate amendments and asking a further conference was held to be privileged. (1356) 1-52, *Journal*, p. 230, *Record*, p. 5371.

A bill and amendments having once been sent to conference do not, upon the rejection of the conference report, return to their former state, so that the amendments may be sent to the Committee of the Whole. (1389) 1-54, *Record*, pp. 5532, 5533.

The amending House may insist at once upon its amendment and ask for a conference. (1370) 2-42, *Journal*, pp. 1077, 1100, 1103, *Globe*, p. 4428.

It is a practice quite common for one House to pass a bill of the other with amendments and ask a conference at once without waiting for disagreement. (1371) 2-51, *Journal*, p. 321, *Record*, p. 3512.

Consideration in Committee of the Whole.

Senate amendments to House bills must be considered in Committee of the Whole if they are such as, originating in the House, would be subject to that point. (765) *Rule XX*.

SENATE AMENDMENTS—SERGEANT-AT-ARMS. 599

SENATE AMENDMENTS—Continued.

Consideration in Committee of the Whole—Continued.

A Senate amendment which is a modification merely of a House proposition, like the increase or decrease of the amount, etc., and does not involve new and distinct expenditure, is not required to be considered in Committee of the Whole. (1323-1332) *3-46, Journal, p. 558, Record, pp. 2299-2301; 2-54, Record, p. 1253; 1-51, Journal, pp. 1046, 1087, Record, pp. 2506, 10490; 2-51, Journal, pp. 234, 333, Record, pp. 2506, 3606-3608; 2-52, Journal, pp. 68, 79, Record pp. 1150, 1153, 1292, 1293; 1-53, Journal, p. 172; 1-54, Record, pp. 5564, 5565.*

The fact that one of several Senate amendments must be considered in Committee of the Whole does not prevent the House from proceeding with the disposition of those not subject to the point of order. (1333) *1-48, Record, pp. 5981, 5985.*

SENATE BILLS.

Rule and practice as to disposing of them from the Speaker's table. (347, 357-365) *Rule XXIV, section 2; 2-55, Record, pp. 4805, 6552; 1-51, Journal, pp. 541, 726, 849, 850, 951, Record, pp. 3977, 5907, 7161, 8527; 2-54, Record, p. 847; 2-51, Journal, p. 241, Record, p. 2623; 2-52, Journal, p. 52, Record, p. 717.*

SENATORS.

A Senator apparently being inculpated by testimony taken before a House committee, the House informed the Senate. (1776) *1-40, Globe, p. 253.*

The impeachment of William Blount, a Senator of the United States. (1696) *1-5, Journal, p. 76 (Gales & Seaton).*

It is not in order in debate to refer to a Senator in terms of criticism personally. (1639) *1-52, Journal, p. 87, Record p. 1703.*

An assault by a Member of the House upon a Senator at his seat in Senate was determined to be a breach of the privileges of the House as well as of the Senate. (167) *1-34, Journal, pp. 1023, 1029, 1076, 1185-1187, 1193-1194, 1197-1201, 1205-1221, Globe, pp. 1290, 1348-1352, 1578.*

SERGEANT-AT-ARMS.

The Sergeant-at-Arms maintains order, executes the commands and processes of the House, and disburses the pay and mileage of Members. (1715) *Rule IV, section 1.*

This officer is elected by viva voce vote, and is sworn to support the Constitution, to the faithful discharge of his duties, and to keep the secrets of the House; and appoints the employees of his department. (1704) *Rule II.*

The mace is the symbol of the Sergeant-at-Arms, and is borne by him while enforcing order. (1716) *Rule IV, section 2.*

Duties of the Sergeant-at-Arms in connection with the care of the Capitol and control of the Capitol police. (1717) *Revised Statutes, sections 1820-1825.*

SENATE AMENDMENTS—Continued.*Adherence.*

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SERGEANT-AT-ARMS—Continued.

The pay and mileage of Members are disbursed by the Sergeant-at-Arms. (1717) *Rule IV, section 1; 26 Stat. L., pp. 645, 646.*

In the absence or disability of the Clerk the Sergeant-at-Arms may officiate at the organization of the House. (1717) *Revised Statutes, section 32.*

The statutes prescribe fully the duties of the Sergeant-at-Arms. (1717) *26 Stat. L., pp. 645, 646; Revised Statutes, sections 32, 53, 72, 1820, 1821, 1823-1825; 18 Stat. L., pp. 87, 345.*

Erects monuments to deceased Members in the Congressional Cemetery. (1759) *18 Stat. L., p. 54.*

In attending the Speaker and the House to the Senate the Sergeant-at-Arms does not carry the mace. (1775) *2-55, Record, p. 4212.*

SERGEANT-AT-ARMS OF THE SENATE.

Entitled to the privileges of the floor of the House during its sessions. (1740) *Rule XXXIV.*

SERVICE OF THE HOUSE.

The publication and distribution of the Congressional Record. (1679) *28 Stat. L., pp. 617, 618; 39 Stat. L., p. 454; 18 Stat. L., p. 347.*

The appointment, removal, and supervision of the official reporters are vested in the Speaker. (1678) *Rule XXXVI, section 1.*

To a resolution providing in general terms for the employment of additional employees in the service of the House, an amendment providing for the employment of a particular individual was offered and held not to be in order. (1076, 1077) *1-51, Journal, p. 293; 1-54, Record, p. 513.*

Clerks of committees are appointed by the chairmen, with the approval of the committee, and are paid at the public expense. (717) *Rule X, section 4.*

The committees having permanent or annual clerkships. (718, footnote) *30 Stat. L., pp. 850, 851.*

Decisions of the Comptroller as to pay of clerks to committees. (720-723) *Decisions Comptroller of Treasury (Bowler), Vol. II, pp. 359, 638; Decisions First Comptroller (Bowler), 1893-94, p. 2, 61.*

The pay of clerks to committees, and its computation. (719, footnote) *22 Stat. L., p. 378; 18 Stat. L., p. 345.*

Method of authorizing annual clerks to committees. (718) *1-50, Record, pp. 7884, 7885.*

The method of assigning session clerks to committees not having annual clerks. (719) *2-55, Record, p. 79.*

Decisions of Comptroller as to clerks of Members. (23-28).

SESSIONS.*During the legislative day.*

Duties of the Speaker regarding the opening of the session and the reading of the Journal. (41) *Rule I, section 1.*

SESSIONS—Continued.*During the legislative day*—Continued.

No committee except the Committee on Rules may sit without leave during the sitting of the House. (657) *Rule XI, section 60.*

The Chaplain opens each day's sitting with prayer. (1722) *Rule VII.*

It is the parliamentary rule, although not always adhered to, that messages between the Houses are to be sent only while both Houses are sitting. (1463-1465) *Jefferson's Manual, Section XLVII, p. 178; 1-52, Journal, p. 230, Record, p. 5371; 2-55, Record, p. 4002.*

There must be an adjournment before the legislative day will terminate, and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House. (1505) *1-33, Journal, pp. 804, 811, Globe p. 1177.*

An adjournment does not necessarily take place at 12 p. m. Saturday, it being for the House to decide whether or not it will continue in session on Sunday. (1503, 1504) *1-24, Journal, pp. 577-582, Globe, p. 265; 2-44, Record, p. 2242.*

The Committee of the Whole being in session when the hour arrives for the next regular meeting of the House, it rests with the committee to determine whether or not it will rise. (1506, 1507) *1-24, Globe, p. 434; 1-26, Globe, p. 285.*

A session of the House extending, by failure to adjourn, through the next calendar day, a special order for the latter day falls, as the session is of the legislative and not the calendar day. (1271) *1-50, Journal, pp. 1491, 1505, 1506, Record, pp. 2749, 2755.*

The rule providing for secret sessions of the House. (1770, 1771) *Rule XXX; 2-37, Globe, p. 554.*

Before the adjournment sine die.

The House has, under the terms of a special rule, met only on Mondays and Thursdays of each week. (1515) *1-55, Record, p. 933.*

The legislative day of March 3 of the final session of a Congress is held to terminate at 12 m. on March 4, unless a motion is made and carried for an adjournment previous to that hour. (1521, 1522) *2-31, Globe, pp. 784, 918-920; 3-46, Record, p. 2456.*

The two Houses may by concurrent resolution provide for an adjournment to a certain day, with a provision that if there be no quorum present on that day the session shall terminate. (1518) *1-40, Journal, pp. 157, 158, 184, Globe, pp. 454, 589.*

When the two Houses adjourn for more than three days, and not to or beyond the period fixed by the Constitution or law for the next regular session, the session is not thereby terminated, but continues until an adjournment without day or until the next regular session. (1516, 1517) *1-39, Journal, pp. 107, 108, Globe, p. 127; 2-39, Journal, p. 106, Globe, p. 237.*

SERGEANT-AT-ARMS—Continued.

The pay and mileage of Members are disbursed by the Sergeant-at-Arms. (1717) *Rule IV, section 1; 26 Stat. L., pp. 645, 646.*

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The two Houses may by concurrent resolution provide for an adjournment to a certain day, with a provision that if there be no quorum present on that day the session shall terminate. (1518) *1–40, Journal, pp. 157, 158, 184, Globe, pp. 454, 589.*

When the two Houses adjourn for more than three days, and not to or beyond the period fixed by the Constitution or law for the next regular session, the session is not thereby terminated, but continues until an adjournment without day or until the next regular session. (1516, 1517) *1–39, Journal, pp. 107, 108, Globe, p. 127; 2–39, Journal, p. 106, Globe, p. 237.*

SESSIONS—Continued.*Before the adjournment sine die*—Continued.

When the hour for final adjournment arrives, the Speaker, either on motion or without, declares the House adjourned sine die. (1527–1530) *2–32, Journal, p. 431; 3–34, Journal, p. 691, Globe, p. 1000; 1–33, Journal, p. 1345; 1–35, Journal, p. 1148, Globe, p. 3050.*

The provision of law relating to the mileage of Members applies only to the regular sessions of Congress. (1756) *Decisions First Comptroller, 1893, 1894 (Bowler), p. 48.*

An ordinary appropriation for session employees is not available at an extra session. (1708) *Decisions of the First Comptroller, 1893, 1894, (Bowler), p. 45.*

The rule relating to business before committees unfinished at the end of the session. (367) *Rule XXVII.*

SIGNING OF BILLS.

The enrolling, signing, and presentation of bills to the President. (478) *Jefferson's Manual, Section XLVIII, p. 180.*

A bill not returned by the President within ten days of its presentation to him (Sundays excepted) becomes a law unless Congress by their adjournment prevent its return. (1466) *Constitution, Article I, section 7, p. 6.*

There being doubt about the signing of enrolled bills by a Speaker pro tempore designated by the Speaker, the House proceeded to elect, and informed the President and Senate of its action. (60) *2–55, Record, p. 6757.*

SITTINGS.

The Chaplain opens each day's sitting with prayer. (1722) *Rule VII.*

SMITHSONIAN INSTITUTION.

Regents to be appointed by the Speaker. (48) *Revised Statutes, section 5581.*

SMOKING.

Not allowed in Hall of the House. (10) *Rule XIV, section 7.*

SOLDIERS' HOME.

National Home for Disabled Volunteer Soldiers. (1784) *Revised Statutes, sections 4826–4837.*

An amendment appointing managers of the National Home for Disabled Volunteer Soldiers was held to be in order on the sundry civil appropriation bill. (1059) *1–51, Record, p. 6144.*

SOLDIERS' ROLL.

Messengers on the soldiers' roll are under control of the Doorkeeper. (1721) *23 Stat. L., pp. 164, 393; 2–42, Journal, p. 952.*

SPEAKER.*Election of.*

The Constitution provides that the House shall choose their Speaker and other officers. (40) *Constitution, Article I, section 2, p. 3.*

The Speaker is elected by a viva voce vote. (56) *1–35, Journal, p. 8.*

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A resolution to proceed to the election of a Speaker presents a question of privilege, and pending the decision another question of privilege may not be presented. (58) 2-44, *Journal*, p. 8. *Record*, p. 5.

After a long contest over the election of a Speaker the difficulty was finally solved by the adoption of a plurality rule, the election being subsequently confirmed by a majority vote. (4, 5) 1-31, *Journal*, pp. 156, 163, 164; 1-34, *Journal*, pp. 429, 430, 444.

General provisions relating to.

Compensation of. (11) 14 *Stat. L.*, p. 323, 18 *Stat. L.*, p. 4.

The certificate of the Speaker is conclusive as to salary and mileage. (1755) *Decisions Comptroller*, Vol. II, p. 339.

The statutes prescribe certain appointments to be made by the Speaker from the membership of the House: (48)

A temporary committee on accounts, to serve from the end of one Congress to the organization of the next. 28 *Stat. L.*, p. 768.

Three visitors to the Military Academy. *Revised Statutes*, section 1327.

Three visitors to the Naval Academy. *Supplement Revised Statutes*, Vol. I, p. 217.

A consulting trustee of the Reform School of the District of Columbia. *Supplement Revised Statutes*, Vol. I, p. 104.

Two directors of the Columbia Hospital for Women. 17 *Stat. L.*, p. 360.

Two directors of the Columbian Institution for the Instruction of the Deaf and Dumb. *Revised Statutes*, section 4863.

Three regents of the Smithsonian Institution. *Revised Statutes*, section 5581.

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The resolution of thanks to the Speaker. (1531) 2-54, *Record*, pp. 2981, 2986.

Control of Hall, Galleries, etc.

The Speaker has control of the Hall, the corridors, and unappropriated rooms. (44) *Rule I*, section 3.

The Speaker assigns gallery accommodations to the President, members of the Cabinet, justices of the Supreme Court, foreign ministers, and persons admitted on the card of Members. (1741) *Rule XXXV*.

To the Members' gallery the Speaker issues one card to each Member for his family and visitors; and in this gallery the Speaker controls one bench. (1741) *Rule XXXV*.

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SPEAKER—Continued.*Control of Halls, Carriers, etc.*—Continued.

The Speaker may admit to the press gallery, and also allow to representatives of the news associations the privileges of the floor. (1742)

Rule XXXVI, section 2.

Employees in the heating, lighting, and ventilating departments of the House are under charge of the Architect, subject to control of the Speaker. (1765) *21 Stat. L., p. 388.*

Protection of the laws of the District for Capitol Square may be invoked by the Speaker. (1765) *Revised Statutes, section 1819.*

Administers oaths.

The Speaker administers the oath to Members at the organization of the House. (2)

The oath may be administered to a Member away from the House by the Speaker. (16) *1-51, Journal, pp. 89, 103, Record, pp. 399, 432.*

The oath may be administered to a Member away from the House and by another than the Speaker. (15, 16) *2-49, Record, p. 1157, House Report No. 3745.*

The Members-elect having denied to a delegation the right of participating in the organization of the House, the Speaker declined to administer to them the oath, although they presented the certificate of the governor of their State. *1-26, Journal, pp. 80, 87, 95, Globe, pp. 1, 30, 56, 48, 65, 95.*

A Member-elect being challenged for alleged disqualification during the swearing in of the Members-elect, the Speaker requested him to stand aside, and the House, after debate, voted to refer to a committee the question of the prima facie and final right to the seat. *1-56, Record, Dec. 4, 1899.*

It has been held, although not uniformly, that in cases where the right of a Member-elect to take the oath is challenged, the Speaker may direct the Member to stand aside temporarily. *1-41, Journal, p. 7, Globe, pp. 6, 13; 1-41, Journal, p. 7, Globe, p. 6; 1-47, Record, pp. 9-13.*

Oaths to witnesses may be administered by Speaker, Chairman of Committee of Whole, chairman of select or standing committees, or by Members. (1709) *23 Stat. L., p. 60; Revised Statutes, section 101.*

General duties.

The Speaker signs all acts, addresses, joint resolutions, writs, warrants, and subpoenas, and decides question of order, subject to appeal. (45) *Rule I, section 4.*

It is the duty of the Speaker to take notice of a mandatory provision of law. (88) *2-44, Journal, p. 604, Record, p. 2054.*

Under direction of a special order the Speaker declares the House resolved into Committee of the Whole. (1281) *2-54, Record, p. 934.*

SPEAKER—Continued.*General duties*—Continued.

The rule governing the transmittal and reference of estimates and other executive communications. (348) *Rule XLII.*

Duties as to bills.

The Speaker may withhold such private bills, petitions, and memorials as, in his judgment, are of an obscene or insulting character. (448) *Rule XXII, section 1.*

The Speaker refers public bills, memorials, and resolutions, and correction of reference is made by the House. (450) *Rule XXII, section 3.*

It is not the duty of the Speaker to decide any question which is not directly presented in the course of the proceedings of the House. (90) *2-48, Record, p. 2302.*

Enrolled bills are sometimes presented to the House and signed by the Speaker during an informal rising of the Committee of the Whole. (760) *2-35, Globe, p. 1417.*

The Journal.

Duties of the Speaker regarding the opening of the session and the reading of the Journal. (41) *Rule I, section 1.*

The examination and approval of the Journal by the Speaker, according to Rule I, section 1, is a preliminary examination, and the Journal must still be approved by the House. (218) *1-50, Journal, p. 2945, Record, p. 9607.*

Motions and votes.

The Speaker must put the question if it be in order. (47) *Jefferson's Manual, Section III, p. 113.*

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All motions shall be stated by the Speaker or read by the Clerk, and shall then be in possession of the House, but may be withdrawn before a decision or amendment. (923) *Rule XVI, section 2.*

Resolutions accompanying a report must be stated by the Speaker or read by the Clerk before being debated. (841) *2-48, Journal, p. 745, Record, pp. 2412, 2413.*

It has been held that the rules permit, but do not require, the Speaker to entertain motions to suspend the rules. (1605) *2-53, Journal, p. 438, Record, p. 6476.*

On committee suspension days the Speaker sometimes calls the committees in regular order for motions to suspend the rules, but this method is not required by the rules. (1562, 1563) *3-46, Journal, p. 104, Record, pp. 273, 274; 1-51, Record, p. 1405.*

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair to take notice of that fact. (254) *1-48, Journal, p. 1385.*

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The recapitulation of a vote is within the discretion of the Speaker, but he usually allows it if the vote is close. (1188, 1189) *2-51, Journal, p. 182, Record, p. 1832; 1-54, Record, pp. 5206, 5207.*

As to debate.

It is a breach of order to refer in debate to proceedings in the other House, and it is particularly the duty of the Speaker to prevent such expressions. (907) *Jefferson's Manual, Section XVII, p. 132.*

If any Member, in speaking or otherwise, transgress the rules of the House, it is the duty of the Speaker and the privilege of any Member to call him to order, in which case he shall sit down, and the offense may be a subject of decision by the House. (871) *Rule XIV, section 4.*

Words spoken by a Member after he has been called to order may be excluded from the Record by direction of the Speaker. (1680, 1681, 1682) *1-38, Globe, p. 3390; 1-44, Record, p. 5697; 1-54, Record, p. 5802.*

The House and not the Speaker has control of the Congressional Record. (117, 119) *2-48, Journal, pp. 73, 74, Record, p. 205; 1-49, Journal, p. 1835, Record, pp. 5416, 5420.*

The appointment, removal, and supervision of the official reporters are vested in the Speaker. (1678) *Rule XXXVII, section 1.*

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Criticism having been made by Members because of the delay of the Speaker in appointing the committees, the House has by vote expressed its approval of the Speaker's conduct. (606, 607) *1-55, Record, pp. 651, 874.*

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Power of recognition.

The rule of recognition; form and history. (62) *Rule XIV, section 2.*

SPEAKER—Continued.**Power of recognition**—Continued.

The Speaker has authority to name the Member who is entitled to the floor. (66) 2-32, *Journal*, p. 405, *Globe*, p. 1154.

Under the rules the Speaker recognizes the Member who addresses the House. (87) 2-55, *Record*, p. 2328.

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The Speaker may, under certain circumstances, prefer another Member to one who is already on the floor. (68) 1-55, *Record*, p. 2449.

The Member on whose motion a subject is brought before the House is first entitled to the floor. (70) 2-30, *Journal*, p. 247.

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If, after debate, the Member in charge of a measure does not move the previous question, another member, having the floor, may do so. (86) 1-54, *Journal* p. 484, *Record*, 5203.

The Member in charge of the bill is recognized anew after he has presented the bill and had it read at the Clerk's desk. (80) 2-55, *Record*, p. 1631.

A Member may demand the question of consideration although the Member in charge of the bill claims the floor for debate; but the previous question may not in a similar manner be demanded. (79) 2-55, *Record*, p. 5763.

The latest ruling is that the motion to lay on the table may be made before the Member in charge has begun his remarks. (77, 78) 1-52, *Journal*, p. 290, *Record*, pp. 6126, 6127; 1-55, *Record*, p. 744.

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The latest ruling is that the motion to lay on the table may be made before the Member in charge has begun his remarks. (77, 78) 1-52, *Journal*, p. 290, *Record*, pp. 6126, 6127; 1-55, *Record*, p. 744.

SPEAKER—Continued.**Motions and votes**—Continued.

After the Chair has declared the result of a vote by tellers, he may not order the vote taken again because of alleged irregularities. (1141) *1-29, Globe, p. 347.*

The recapitulation of a vote is within the discretion of the Speaker, but he usually allows it if the vote is close. (1188, 1189) *2-51, Journal, p. 182, Record, p. 1832; 1-54, Record, pp. 5206, 5207.*

As to debate.

It is a breach of order to refer in debate to proceedings in the other House, and it is particularly the duty of the Speaker to prevent such expressions. (907) *Jefferson's Manual, Section XVII, p. 132.*

If any Member, in speaking or otherwise, transgress the rules of the House, it is the duty of the Speaker and the privilege of any Member to call him to order, in which case he shall sit down, and the offense may be a subject of decision by the House. (871) *Rule XII, section 4.*

Words spoken by a Member after he has been called to order may be excluded from the Record by direction of the Speaker. (1680, 1681, 1682) *1-38, Globe, p. 3390; 1-44, Record, p. 5697; 1-54, Record, p. 5802.*

The House and not the Speaker has control of the Congressional Record. (117, 119) *2-48, Journal, pp. 73, 74, Record, p. 205; 1-49, Journal, p. 1835, Record, pp. 5416, 5420.*

The appointment, removal, and supervision of the official reporters are vested in the Speaker. (1678) *Rule XXXVI, section 1.*

Appoints committees.

The rule provides that the Speaker shall appoint the standing committees at the commencement of each Congress. (604) *Rule X, section 1.*

Select and conference committees are appointed by the Speaker under the rule. (605) *Rule X, section 2.*

Principles governing the selection of conference committees on the part of the House. (1383) *2-47, Journal, p. 521, Record, p. 3356; 1-51, Journal, p. 1047; 1-55, Record, p. 2512.*

Criticism having been made by Members because of the delay of the Speaker in appointing the committees, the House has by vote expressed its approval of the Speaker's conduct. (606, 607) *1-55, Record, pp. 651, 874.*

The chairmanship of a committee is determined, in case of death of the chairman, by appointment by the Speaker. (608) *Rule X, section 3.*

At the end of each Congress the Speaker appoints a temporary committee on accounts, to continue until the organization of the House in the next Congress. (1734) *28 Stat. L., p. 768.*

Power of recognition.

The rule of recognition; form and history. (62) *Rule XII, section 2.*

SPEAKER—Continued.**Power of recognition**—Continued.

The Speaker has authority to name the Member who is entitled to the floor. (66) 2-32, *Journal*, p. 405, *Globe*, p. 1154.

Under the rules the Speaker recognizes the Member who addresses the House. (87) 2-55, *Record*, p. 2328.

The rule regulating the conduct of Members in seeking recognition and relevancy of debate. (61) *Rule XIV*, section 1.

Discretion as to recognition must be lodged with the presiding officer (Mr. Garfield's report). (63) 1-46, *Record*, p. 340.

The old parliamentary rule of recognition. (64) *Jefferson's Manual*, Section XVII, p. 129.

There is no appeal from a decision of the Speaker on a question of recognition. (67) 1-51, *Journal*, p. 177, *Record*, p. 381.

A case of an appeal from the decision of the Speaker on a case of recognition. (65) 3-34, *Journal*, p. 679.

The Speaker may, under certain circumstances, prefer another Member to one who is already on the floor. (68) 1-55, *Record*, p. 2449.

The Member on whose motion a subject is brought before the House is first entitled to the floor. (70) 2-30, *Journal*, p. 247.

The Member reporting a bill from a committee is entitled to recognition although another member may have risen first. (69) 3-27, *Journal*, p. 211.

A motion made by the Member in control of a bill being decided adversely, the right to recognition passes to the opponents. (82, 83, 84, 85) 2-54, *Record*, pp. 822, 1071, 1320, 2590.

The Member in charge of the bill and having the floor may demand the previous question, although another Member may propose to offer a motion of higher privilege; but the motion of higher privilege must be put before the previous question. (81) 1-52, *Journal*, p. 288, *Record*, pp. 6061, 6080.

If, after debate, the Member in charge of a measure does not move the previous question, another member, having the floor, may do so. (86) 1-54, *Journal* p. 484, *Record*, 5203.

The Member in charge of the bill is recognized anew after he has presented the bill and had it read at the Clerk's desk. (80) 2-55, *Record*, p. 1631.

A Member may demand the question of consideration although the Member in charge of the bill claims the floor for debate; but the previous question may not in a similar manner be demanded. (79) 2-55, *Record*, p. 5763.

The latest ruling is that the motion to lay on the table may be made before the Member in charge has begun his remarks. (77, 78) 1-52, *Journal*, p. 290, *Record*, pp. 6126, 6127; 1-55, *Record*, p. 744.

SPEAKER—Continued.**Power of recognition—Continued.**

A member of the committee having occupied the floor in favor of the measure, a Member opposing should be recognized, even though he be not a member of the committee. (72) 1-52, *Journal*, p. 152, *Record*, pp. 3429, 3430.

The question as to the extent to which the chairman of the committee reporting a bill should be recognized to offer amendments to perfect it in preference to other Members. (73) 2-53, *Record*, pp. 831, 887.

A Member may not, by offering a motion of higher privilege than the pending motion, deprive the member of the committee in charge of the bill of the floor. (74, 75) 2-50, *Record*, p. 2454; 1-54, *Record*, p. 4847.

When suspension of the rules is asked to pass a bill, a Member opposing the bill is entitled to demand a second, and thus control the time in opposition. (76) 2-54, *Record*, p. 2365.

Preserves order.

The Speaker may name any Member persisting in disorderly conduct. (1628) *Jefferson's Manual*, Section XVII, pp. 130, 131.

The Speaker preserves order on the floor and in galleries and lobby. (42) *Rule I*, section 2.

Rigid enforcement of the rule relating to disturbance in the galleries. (43) 2-6, *Annals*, pp. 851, 887-890.

The Sergeant-at-Arms, under the direction of the Speaker or Chairman, maintains order in the House and Committee of the Whole. (1715) *Rule IV*, section 1.

Decision on points of order.

Debate upon a point of order is within the discretion of the Speaker. (880) 2-51, *Journal*, p. 174, *Record*, pp. 1787, 1788.

Decisions on questions of order in the House are always open for re-examination and decision. (407) 2-50, *Record*, pp. 47, 48.

If difficulty arise on a point of order during a division the Speaker decides peremptorily, subject to future censure of the House. (1123) *Jefferson's Manual*, Section XII, p. 170.

The Speaker having decided that a motion is out of order under the rules of the House, a resolution condemning such decision does not present a question of privilege. (196) 2-51, *Journal*, p. 187, *Record*, p. 1872.

His relation to questions of privilege.

The Speaker passes first upon questions presented as questions of privilege before submitting them to the House. (191) 2-33, *Journal*, p. 451, *Globe*, p. 930.

A matter being presented as a question of privilege, the Speaker may decline to entertain it, unless in his judgment it relates to the privileges of the House or its Members, in which case it must be entertained in preference to any other business. (150) 1-29, *Journal*, p. 724, *Globe*, p. 734.

SPEAKER—Continued.***His relation to questions of privilege—Continued.***

Decisions as to the duty of the Speaker in determining whether or not matters presented as questions of privilege should be entertained and submitted to the House. (133-135) 2-27, *Journal*, p. 287, *Globe*, pp. 195, 196; 2-45, *Journal*, p. 1303, *Record*, pp. 4605-4614; 2-48, *Journal*, pp. 316, 317, 332, 333, *Record*, pp. 948, 962.

While the Speaker should not entertain every motion which may be offered as a matter of privilege, he should submit to the House whatever relates to the privileges of the House or a Member. (98) 1-31, *Journal*, p. 1079.

It has been decided that it was for the House and not the Speaker to decide whether or not a question of privilege was involved. (96, 97, 137) 1-29, *Journal*, p. 223; 1-30, *Journal*, pp. 712, 720; 3-27, *Journal*, p. 46, *Globe*, pp. 47, 48.

He counts to ascertain the presence of a quorum.

Under the latest as well as the very early practice of the House, the Speaker may count the Members to ascertain the presence of a quorum. (242 and footnote) 1-51, *Journal*, pp. 175-177, *Record*, pp. 949-960, 979-993; 2-9, *Annals*, p. 655; 2-21, *Debates*, p. 382; 1-36, *Globe*, p. 360; 1-35, *Globe*, pp. 2164, 2211.

It is strictly parliamentary for the Speaker or Chairman of the Committee of the Whole to count the Members to ascertain the presence of a quorum. (1632) 1-24, *Journal*, pp. 1209, 1225, *Globe*, p. 484.

A call of the House is not in order after the previous question has been ordered unless it appears upon an actual count by the Speaker that a quorum is not present. (960) *Rule XVII, section 2.*

Duty in case of dilatory proceedings.

No dilatory motion shall be entertained by the Speaker. (1607) *Rule XVI, section 10.*

When the ordinary and proper parliamentary motions are being used solely for delay and obstruction, it is the duty of the Chair to rule them out of order as dilatory. (1612) 1-51, *Journal*, p. 181, *Record*, p. 999.

When, in the opinion of the Speaker, motions or appeals have been made for purposes of delay only, he has ruled them out of order as dilatory. (1613, 1620) 1-51, *Journal*, p. 997, *Record*, p. 9239; 2-55, *Record*, pp. 761, 762.

The Speaker has declined to entertain an appeal. (1610) 1-39, *Globe*, pp. 944, 945.

In a limited class of cases the Speaker has for many years exercised the right to rule out motions as dilatory. (1608-1611) 1-33, *Journal*, pp. 735, 757, 762, 765, 854, *Globe*, pp. 1166, 1191, 1192; 1-35, *Journal*, p. 866, *Globe*, p. 2277; 1-39, *Globe*, pp. 944, 945; 1-50, *Record*, pp. 2709, 2710.

SPEAKER—Continued.*Power of recognition—Continued.*

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SPEAKER—Continued.**May not entertain certain motions and requests.**

Upon a roll call the names of the Members are called alphabetically by surname, and after the roll has been once called the names of those not voting are called, after which the Speaker may not entertain a request to record a vote or announce a pair except in cases where a Member's presence has been noted as part of a quorum. (1122) *Rule XV, section 1.*

A Member who has answered "present" on a roll call may change the record to "aye" or "no;" but the rule does not permit the Speaker to entertain the request of a Member who has not answered at all to record his vote. (1178) *1-55, Record, pp. 1068-1069.*

A Member who is listening when his name should be called, and fails to hear it, is permitted to vote at the end of the roll call, but under other circumstances the Speaker may not entertain a request of a Member to be recorded, even though such Member may have been absent on service of the House. (1185-1187) *2-50, Record, p. 2106; 1-54, Record, p. 3140, 6220.*

The Speaker may not entertain a request to suspend the rule relating to admission to the floor of the House. (1740) *Rule XXXIV.*

The Speaker may not entertain a motion to suspend the rule relating to the use of the Hall of the House. (1739) *Rule XXXIII.*

Matters not for the decision of the Speaker.

The fact that a proposed amendment is inconsistent with the text, or embodies a proposition already voted on, constitutes a condition to be passed upon by the House and not by the Speaker. (1051) *1-47, Journal, p. 1285, Record, pp. 4121-4123.*

It is within the province of the House but not of the Speaker to reject an amendment proposed, inconsistent with one already agreed to. (1046) *Jefferson's Manual, Section XXXV, pp. 157, 158.*

The Speaker may not rule a bill out of order for the reason that the subject of it has been acted on in another way in another bill, the question being one for the House to determine. (462) *2-54, Journal, p. 155, Record, p. 1663.*

It is not the duty of the Speaker to construe the Constitution as affecting proposed legislation. (89) *2-45, Journal, p. 921, Record, p. 2713.*

The House and not the Speaker decides whether or not a Member has violated leave given him to print remarks in the Record. (1691-1694) *1-52, Journal, p. 144, Record, pp. 3299-3306; 1-54, Record, pp. 1531, 1532, 5123-5125; 2-55, Record, p. 6799.*

Whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule is a question for the House and not the Speaker to determine. (1402, 1403) *2-49, Record, p. 2437; 3-53, Journal, pp. 15, 16.*

SPEAKER—Continued.**Matters not for the decision of the Speaker**—Continued.

Bills considered in the morning hour must be called up by authorization of the committees, but the Speaker can not, in case of dispute, decide as to the validity of such authorization. (705) 2-49, *Record*, p. 43.

The Speaker may, upon statements from the chairman and other members of a committee, rule that the calling up of a bill has been authorized by the committee. 3-55, *Record*, pp. 221, 222, *Journal*, p. 34.

The question of the sufficiency of a report in writing made by a committee is a matter to be passed upon by the House but not by the Speaker. (704) 1-48, *Journal*, p. 516.

Messages received by.

Messengers are saluted by the Speaker for the House. (1449) *Jefferson's Manual*, Section XLVII, p. 178.

If a message is announced during a sitting of the Committee of the Whole, the Speaker takes the chair to receive it. (759, 1449) *Jefferson's Manual* Section XII, p. 123.

Messages of the President, other than the annual messages, are usually referred by the Speaker under the rule, but the House sometimes makes the reference. (349) *Rule XXIV*, section 2.

Designations of Speakers pro tempore.

The Speaker, by unanimous consent, may designate a Speaker pro tempore during an absence not caused by illness. (59) 1-55, *Record*, pp. 826, 840.

Under certain conditions the Speaker may appoint the Speaker pro tempore; under others the House elects. (53) *Rule I*, section 7.

If the Speaker be not present at the opening of a session of Congress, the House may adjourn or elect a Speaker pro tempore. (3) 2-21, *Debates*, pp. 347-350.

A Speaker pro tempore was elected and the Senate was notified of the election. (54) 1-5, *Journal*, pp. 266, 316, *Annals*, pp. 1475, 1835.

There being doubt about the signing of enrolled bills by a Speaker pro tempore designated by the Speaker, the House proceeded to elect, and informed the President and Senate of its action. (60) 2-55, *Record*, p. 6757.

When he may speak.

The Speaker may speak first on matters of order. (839) *Jefferson's Manual*, Section XVII, p. 129.

The parliamentary law forbids the Speaker to vote except on points of order. (839) *Jefferson's Manual*, Section XVII, p. 129. But Speakers have left the chair to participate in debate without asking the consent of the House. 2-37, *Globe*, p. 909; 1-38, *Journal*, p. 505, *Globe*, p. 1503; 3-40, *Journal*, p. 322, *Globe*, p. 1066; 1-42, *Globe*, p. 124; 3-42, *Globe*, p. 11; 2-43, *Record*, p. 899; 2-53, *Record*, p. 3335.

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SPEAKER—Continued.*When he may speak*—Continued.

A Speaker, being a contestee, was allowed to speak by unanimous consent. (840) 1-28, *Journal*, p. 1012, *Globe*, p. 648.

His vote.

The Speaker is not required to vote except when his vote would be decisive and when the House is voting by ballot. (49) *Rule 1*, section 6.

The Speaker was formerly forbidden to vote except in certain cases. (49) 1-1, *Journal*, p. 9.

Speaker Macon exercised his constitutional right to vote, although the rule forbade. (50) 1-8, *Journal*, p. 482 (*Gales & Seaton*).

The Speaker may exercise his right to vote even after the completion of the roll call and the announcement of the result. (52) 1-47, *Journal*, pp. 1674, 1677, *Record*, pp. 6233-6237.

The Speaker has voted when a correction on the day after the roll call has created a condition where his vote became decisive. (51) 2-44, *Journal*, p. 23, *Record*, p. 44.

An instance where the Speaker, in case of a tie vote on an appeal, broke the tie by voting in the affirmative. (1223) 1-28, *Journal*, p. 618, *Globe*, p. 414.

His relations to Committee of the Whole.

In forming a Committee of the Whole the Speaker leaves the chair, after appointing a Chairman, who has power to cause the galleries or lobby to be cleared in case of disorder therein. (724) *Rule XXIII*, section 1.

The Speaker may not revise or overrule in any way a report from the Committee of the Whole. (1652) 2-49, *Record*, p. 1059.

The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision. (1651-1654) 2-39, *Globe*, p. 528; 2-49, *Record*, p. 1059; 2-45, *Journal*, p. 81, *Record*, p. 108; 3-53, *Journal*, p. 125.

The chairman of the Committee of the Whole having ruled a proposed amendment out of order, the committee rose and reported the point of order to the House; whereupon the Speaker held that the question did not come within his jurisdiction. (1650) 2-25, *Globe*, p. 224, *et seq.*

In cases of disorder in Committee of the Whole the Speaker has taken the chair "without an order to bring the House into order." (1628-1631) 2-25, *Journal*, p. 1013, *Globe*, p. 422; 1-26, *Journal*, p. 814, *Globe*, pp. 343, 394-396, 398; 1-28, *Journal*, p. 846, *Globe*, pp. 553-577, 578, 604; 3-46, *Journal*, p. 114, *Record*, p. 311.

Disorder arising in Committee of the Whole, the Speaker may take the chair and restore order without formal rising of the committee. (1627) *Jefferson's Manual*, Section XII, p. 123.

SPEAKER—Continued.**Adjournment and recess.**

It is no adjournment until the Speaker pronounces it. (1487) *Jefferson's Manual, Section L, p. 183.*

When the hour previously fixed for an adjournment arrives, the Speaker declares the House adjourned. (1495) *1-54, Record, p. 2293.*

When the hour for final adjournment arrives, the Speaker, either on motion or without, declares the House adjourned sine die. (1527-1530) *2-32, Journal, p. 431; 3-34, Journal, p. 691, Globe, p. 1000; 1-33, Journal, p. 1345; 1-35, Journal, p. 1148, Globe, p. 3050.*

When the hour previously fixed for a recess arrives, the Chair declares the House in recess, even though a quorum be not present. (1482, 1483) *1-48, Journal, p. 1117; 1-51, Journal, p. 915, Record, p. 8035.*

Charges against.

A charge by a Member that the Journal of the House had been mutilated by the Speaker was made a question of privilege. (130) *1-31, Journal, p. 713.*

Being charged with mutilating the Journal, Speaker Cobb called Mr. Robert C. Winthrop to the chair, and, the House having given unanimous consent, made an explanation. (130) *1-31, Journal, p. 713.*

A Speaker, having been accused of a corrupt bargain by a Member, appealed to the House. (149) *2-18, Debates, pp. 440-523.*

SPEAKER PRO TEMPORE.

Under certain conditions the Speaker may appoint the Speaker pro tempore; under others the House elects. (53) *Rule I, section 7.*

The Speaker, by unanimous consent, may designate a Speaker pro tempore during an absence not caused by illness. (59) *1-55, Record, pp. 826, 840.*

The Speaker pro tempore whom the House had just elected not being present, the clerk held that the motion to adjourn was not business, and under the circumstances was the only motion in order. (57) *1-44, Journal, p. 1153, Record, p. 4132.*

A Speaker pro tempore is not sworn. (55) *1-30, Journal, p. 923, Globe, p. 855.*

A Speaker pro tempore being elected, the Senate was notified of the election. (54) *1-5, Journal, pp. 266, 316, Annals, pp. 1475, 1835.*

May administer the oath. (15 and footnote) *2-55, Record, pp. 5967, 5973.*

There being doubt about the signing of enrolled bills by a Speaker pro tempore designated by the Speaker, the House proceeded to elect, and informed the Senate and President of its action. (60) *2-55, Record, p. 6757.*

SPEAKER'S TABLE, BUSINESS ON.

The rule governing the disposition of business on the Speaker's table. (347) *Rule XXIV, section 2.*

SPEAKER—Continued.*When he may speak*—Continued.

A Speaker, being a contestee, was allowed to speak by unanimous consent. (840) 1-28, *Journal*, p. 1012, *Globe*, p. 648.

His vote.

The Speaker is not required to vote except when his vote would be decisive and when the House is voting by ballot. (49) *Rule 1*, section 6.

The Speaker was formerly forbidden to vote except in certain cases. (49) 1-1, *Journal*, p. 9.

Speaker Macon exercised his constitutional right to vote, although the rule forbade. (50) 1-8, *Journal*, p. 482 (*Giles & Seaton*).

The Speaker may exercise his right to vote even after the completion of the roll call and the announcement of the result. (52) 1-47, *Journal*, pp. 1674, 1677, *Record*, pp. 6233-6237.

The Speaker has voted when a correction on the day after the roll call has created a condition where his vote became decisive. (51) 2-44, *Journal*, p. 23, *Record*, p. 44.

An instance where the Speaker, in case of a tie vote on an appeal, broke the tie by voting in the affirmative. (1223) 1-28, *Journal*, p. 618, *Globe*, p. 414.

His relations to Committee of the Whole.

In forming a Committee of the Whole the Speaker leaves the chair, after appointing a Chairman, who has power to cause the galleries or lobby to be cleared in case of disorder therein. (724) *Rule XXIII*, section 1.

The Speaker may not revise or overrule in any way a report from the Committee of the Whole. (1652) 2-49, *Record*, p. 1059.

The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision. (1651-1654) 2-39, *Globe*, p. 528; 2-49, *Record*, p. 1059; 2-45, *Journal*, p. 81, *Record*, p. 108; 3-53, *Journal*, p. 125.

The chairman of the Committee of the Whole having ruled a proposed amendment out of order, the committee rose and reported the point of order to the House; whereupon the Speaker held that the question did not come within his jurisdiction. (1650) 2-25, *Globe*, p. 224, *et seq.*

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SPEAKER'S TABLE, BUSINESS ON.

The rule governing the disposition of business on the Speaker's table. (347) *Rule XXIV, section 2.*

SPEAKER'S TABLE, BUSINESS ON—Continued.

The Senate amendment requiring consideration in Committee of the Whole is referred from the Speaker's table to a standing committee, and the request for a conference gives no privilege. (351) 2-50, *Journal*, p. 348, *Record*, pp. 1216-1220.

A House bill with Senate amendment requiring consideration in Committee of the Whole should be referred from the Speaker's table to the proper standing committee under the rules. (352-354) 1-51, *Journal*, pp. 758, 767, 770-772, *Record*, pp. 6281, 6314, 6353-6364.

The point being made and sustained that a Senate amendment to a House bill must be considered in Committee of the Whole, the bill is referred directly from the Speaker's table to the standing committee having jurisdiction. (355, 356) 1-51, *Journal*, p. 1018; *Record*, p. 9827; 2-51, *Journal*, p. 340, *Record*, p. 3689.

A resolution directing the Speaker to lay before the House a House bill with Senate amendments requiring consideration in Committee of the Whole, which is on the Speaker's table, involves a change of the rules. (353) 1-51, *Journal*, p. 767, *Record*, pp. 6314, 6353.

The three requisites for calling up a Senate bill directly from the Speaker's table are, that the bill shall not require reference to Committee of the Whole; that a similar bill shall have already been reported by a House committee, and that it shall be called up at the request of a committee. (359) 2-54, *Record*, p. 847.

Interpretation of the words "substantially the same" as used in reference to Senate bills on the Speaker's table. (360) 2-55, *Record*, p. 4805.

A Senate concurrent resolution substantially the same as a House bill on the House Calendar is in order under section 2 of Rule XXIV. (358) 1-51, *Journal*, p. 541, *Record*, p. 3977.

A Senate bill, in order to be brought up directly from the Speaker's table, must have come to the House after and not before a House bill substantially the same has been placed on the House Calendar. (357) 2-55, *Record*, p. 6552.

If a Senate bill be such as to require consideration in Committee of the Whole it may not be taken from the Speaker's table for consideration. (362-365) 1-51, *Journal*, pp. 726, 951, *Record*, pp. 5907, 8527; 2-51, *Journal*, p. 241, *Record*, p. 2623; 2-52, *Journal*, p. 52, *Record*, p. 717.

The authorization of the committee being undoubted, a Senate bill need not necessarily be called from the Speaker's table by one of the committee. (361) 1-51, *Journal*, pp. 849, 850, *Record*, p. 7161.

Business on the Speaker's table is deferred by privileged matters, but is in order when such have been disposed of. (377) 1-54, *Record*, p. 4761.

See also *Order of business*.

SPECIAL COMMITTEES—SPECIAL ORDERS. 615

SPECIAL COMMITTEES.

The report being made, a special committee is dissolved, but may be renewed by a vote and the same matter recommitted to it. (601, 693-695) *Jefferson's Manual, Section XXVII, p. 142; 2-37, Journal p. 874, Globe, pp. 2764, 2790; 3-37, Journal, pp. 487, 489, Globe, p. 1295.*

SPECIAL ORDERS.

Making of.

The making of special orders. (1308) *1-30, Journal, p. 580; 1-23, Journal, p. 785; 1-49, Journal, p. 2171, Record, pp. 6759-6760; 2-49, Record, p. 1781; 1-51, Record, p. 8349.*

Special orders are frequently made by unanimous consent. (1258, 1259) *1-30, Journal, p. 580; 2-55, Record, p. 4278.*

A special order amounts to a change of the rules and regularly can be adopted only in the manner prescribed for changing the rules, it being a change of the established order of business. (1254-1257) *1-23, Journal, p. 785; 3-27, Journal, p. 355, Globe, p. 276; 1-31, Journal, pp. 1096, 1176, Globe, pp. 1350, 1442.*

It is not in order to move in the House that a subject be made a special order for a given date. *3-55, Record, p. 778.*

The Committee on Rules has jurisdiction to report a resolution for the consideration of a measure even though the effect be to discharge a committee from a matter pending before it. (1542) *3-53, Journal, p. 104.*

A special order fixing a day for particular business is a change of rules and may be reported at any time as a privileged question by the Committee on Rules. (1539) *1-49, Journal, p. 2171, Record, pp. 6759-6760.*

The House may at a Friday evening session make a bill a special order for a future day. (1293, 1294) *1-50, Record, p. 2514; 1-51, Journal, pp. 588, 589, Record, pp. 4168, 4246, 4382.*

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Forms of special orders. (1309-1320) *1-54, Record, pp. 305, 343, 5381, 5466; 2-54, Record, p. 903; 1-49, Journal, pp. 2171, 2172, Record, pp. 6759, 6760; 3-53, Journal, p. 104; 2-53, Journal, pp. 61, 132; 1-55, Journal, p. 24, Record, pp. 72, 2478; 2-55, Record, p. 5566.*

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SPECIAL ORDERS—Continued.*Precedence of.*

When a bill has been made a special order for a certain day, its consideration takes precedence on such day over privileged reports. (1264) 1-49, *Record*, p. 7276.

A privileged report is not in order on a day set apart by special order for another class of business. (1280) 1-52, *Journal*, p. 239, *Record*, pp. 5573, 5574.

A special order does not lose its privilege because called up at a later hour than that specified by its terms. (1269) 1-51, *Journal*, p. 1078, *Record*, p. 10392.

A motion to suspend the rules is not in order while the House is acting under a suspension of the rules on a special order. (1590) 2-29, *Journal*, p. 194, *Globe*, p. 401.

A conference report may be presented during the time set apart by a special order for the consideration of another measure. (1400) 1-55, *Record*, pp. 1396, 1397; 3-55, *Record*, p. 2589.

A question of privilege has precedence at a time set apart by special order for other business. (100) 1-51, *Journal*, pp. 936, 937, *Record*, pp. 8373, 8375.

It has been ruled that the consideration of a special order may proceed before the approval of the *Journal*. (225) 2-53, *Journal*, pp. 308, 309. See, however (221-225), 1-34, *Journal*, p. 1253, *Globe*, p. 1710; 2-50, *Record*, pp. 676, 677; 1-52, *Journal*, p. 91, *Record*, p. 1825; 2-52, *Journal*, p. 98, *Record*, p. 1863; 2-53, *Journal*, pp. 308, 309.

When two special orders are made for the same time the one made first has priority over the other, but the question of consideration can be raised against either of them. (1260, 1261) 1-26, *Globe*, p. 325; 1-49, *Record*, p. 4543.

A special order setting apart a day for the consideration of a particular bill or of business from a particular committee has precedence over a continuing order for the consideration of a bill or of business from a committee. (1262, 1263) 1-49, *Journal*, p. 1598, *Record*, p. 4483; 2-49, *Record*, p. 1684.

When the terms of a special order are such as in effect to constitute an order of the previous question, business unfinished with the day set apart by the order does not fall, but is in order the next day after the reading of the *Journal*. (1270) 2-53, *Journal*, p. 448, *Record*, pp. 7596, 7597.

When the previous question is ordered, whether by vote, by the terms of a special order, or by unanimous consent, and the execution of the order is prevented by adjournment, the question comes up the next day immediately after the reading of the *Journal*, even though that day be set apart for a different class of business. (983-988) 1-49, *Journal*, p. 2259, *Record*, pp. 7154, 7155; 2-50, *Journal*, pp. 381, 384, *Record*, pp. 1378, 1379; 1-51, *Journal*, p. 989, *Record*, pp. 9181, 9277; 1-52, *Journal*, p. 149, *Record*, p. 3359; 2-55, *Record*, pp. 5294, 6289.

SPECIAL ORDERS—Continued.***Precedence of—Continued.***

Several bills coming over with the previous question ordered, the Speaker held that the bill on which the order was first made had precedence. (989) 1-52, *Journal*, p. 347, *Record*, p. 6964.

If a bill which is made a special order for one day only is not taken up, or being taken up is left undisposed of on the day fixed, it loses its privilege thereafter. (1265-1267) 1-31, *Journal*, pp. 522, 631, 897, *Globe*, pp. 448, 960; 2-48, *Journal*, p. 248, *Record*, pp. 667, 668; 1-51, *Journal*, p. 567, *Record*, p. 4191; 3-55, *Record*, p. 1614.

The House having resolved itself into Committee of the Whole for the purpose of considering a particular revenue or general appropriation bill, the Committee of the Whole may not take up another bill. (738) 3-46, *Record*, p. 1357.

Relations to question of consideration.

The question of consideration may be raised against a special order. (1264) 1-49, *Record*, p. 7276.

Though a bill may come up for consideration under the terms of a special order specifying the bill individually, yet the question of consideration may be raised. (824-827) 1-49, *Journal*, p. 2297, *Record*, p. 7335; 2-49, *Journal*, p. 581, *Record*, p. 1684; 1-50, *Record*, p. 2514; 2-50, *Record*, pp. 1062, 1400.

It has been held that the question of consideration may not be demanded against a bill which comes up under a special order providing for its immediate consideration. (828) 2-53, *Journal*, pp. 484, 485, *Record*, p. 7548.

The question of consideration may not be demanded against a class of business in order under a special order or a rule, but may be demanded against each bill individually as it is brought up. (822, 823) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal* p. 239, *Record*, p. 762.

Relations to Committee of the Whole.

A bill being made a special order, the requirement that it shall be considered in Committee of the Whole is waived. (1268, 1301-1306) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 3-45, *Journal*, pp. 241, 242, *Record*, p. 608; 2-47, *Journal*, pp. 162, 163, 181, *Record*, pp. 859, 860, 925, 926; 1-51, *Journal*, p. 260, *Record*, p. 1551; 1-54, *Record*, p. 4530; 2-55, *Record*, p. 3620.

A bill which has been made a special order in the House is not subject to the point of order that it should be considered in Committee of the Whole. (782) 1-51, *Journal*, p. 388, *Record*, pp. 2663, 2664.

When a bill in Committee of the Whole is made a special order, the effect of the order is to bring the bill into the House for consideration. (1307) 2-49, *Record*, p. 42.

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When the previous question is ordered, whether by vote, by the terms of a special order, or by unanimous consent, and the execution of the order is prevented by adjournment, the question comes up the next day immediately after the reading of the Journal, even though that day be set apart for a different class of business. (983-988) 1-49, *Journal*, p. 2259, *Record*, pp. 7154, 7155; 2-50, *Journal*, pp. 381, 384, *Record*, pp. 1378, 1379; 1-51, *Journal*, p. 989, *Record*, pp. 9181, 9277; 1-52, *Journal*, p. 149, *Record*, p. 3359; 2-55, *Record*, pp. 5294, 6289.

SPECIAL ORDERS—Continued.***Precedence of—Continued.***

Several bills coming over with the previous question ordered, the Speaker held that the bill on which the order was first made had precedence. (989) 1-52, *Journal*, p. 347, *Record*, p. 6964.

If a bill which is made a special order for one day only is not taken up, or being taken up is left undisposed of on the day fixed, it loses its privilege thereafter. (1265-1267) 1-31, *Journal*, pp. 522, 631, 897, *Globe*, pp. 448, 960; 2-48, *Journal*, p. 248, *Record*, pp. 667, 668; 1-51, *Journal*, p. 567, *Record*, p. 4191; 3-55, *Record*, p. 1614.

The House having resolved itself into Committee of the Whole for the purpose of considering a particular revenue or general appropriation bill, the Committee of the Whole may not take up another bill. (738) 3-46, *Record*, p. 1357.

Relations to question of consideration.

The question of consideration may be raised against a special order. (1264) 1-49, *Record*, p. 7276.

Though a bill may come up for consideration under the terms of a special order specifying the bill individually, yet the question of consideration may be raised. (824-827) 1-49, *Journal*, p. 2297, *Record*, p. 7335; 2-49, *Journal*, p. 581, *Record*, p. 1684; 1-50, *Record*, p. 2514; 2-50, *Record*, pp. 1062, 1400.

It has been held that the question of consideration may not be demanded against a bill which comes up under a special order providing for its immediate consideration. (828) 2-53, *Journal*, pp. 484, 485, *Record*, p. 7548.

The question of consideration may not be demanded against a class of business in order under a special order or a rule, but may be demanded against each bill individually as it is brought up. (822, 823) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 2-50, *Journal* p. 239, *Record*, p. 762.

Relations to Committee of the Whole.

A bill being made a special order, the requirement that it shall be considered in Committee of the Whole is waived. (1268, 1301-1306) 1-47, *Journal*, p. 1540, *Record*, p. 5349; 3-45, *Journal*, pp. 241, 242, *Record*, p. 608; 2-47, *Journal*, pp. 162, 163, 181, *Record*, pp. 859, 860, 925, 926; 1-51, *Journal*, p. 260, *Record*, p. 1551; 1-54, *Record*, p. 4530; 2-55, *Record*, p. 3620.

A bill which has been made a special order in the House is not subject to the point of order that it should be considered in Committee of the Whole. (782) 1-51, *Journal*, p. 338, *Record*, pp. 2663, 2664.

When a bill in Committee of the Whole is made a special order, the effect of the order is to bring the bill into the House for consideration. (1307) 2-49, *Record*, p. 42.

SPECIAL ORDERS—Continued.**Relations to Committee of the Whole**—Continued.

A special order providing that a bill should be open to amendments in Committee of the Whole was held to prevent a motion to strike out the enacting clause. (1282) 1-55, *Record*, p. 252.

Under direction of a special order the Speaker declares the House resolved into Committee of the Whole. (1281) 2-54, *Record*, p. 934.

Relations to Friday.

Two days having been assigned a committee generally for consideration of its business, it was held that they should be days on which public business would be in order. (1297) 1-51, *Journal*, p. 315, *Record*, p. 2012.

A special order providing for the consideration of a bill from day to day until disposed of includes Fridays, unless exception of that day is specially made. (1295, 1296) 1-32, *Journal*, pp. 401, 433; 2-48, *Journal*, p. 136, *Record*, pp. 364, 365.

Continuing special orders sometimes except Friday. (1594) 1-30, *Journal*, p. 692.

A private bill is in order for consideration at a Friday evening session, although it may previously have been made a special order by the House. (1298) 2-51, *Journal*, p. 280, *Record*, p. 3043.

Postponement or rescinding of.

A special order may not be postponed. (822) 1-47, *Journal*, p. 1540, *Record*, p. 5349.

A special order, when it is before the House, may be postponed by a majority vote. (1299, 1300) 1-29, *Journal*, p. 1170, *Globe*, p. 1164; 1-31, *Globe*, p. 1318.

A resolution rescinding a special order was held, upon being submitted to the House, not to be in order as a privileged motion. (927) 1-48, *Journal*, p. 1051.

General provisions.

Where a special order prohibited "intervening motions" between the vote on an amendment and the final vote, it was held that the motion to reconsider was not in order. (1283) 2-53, *Journal*, pp. 304, 305, *Record*, pp. 3421, 3422.

The disposition of "pending amendments" when the hour arrives for a vote under the terms of a special order. (1284-1288) 1-52, *Journal*, p. 355, *Record*, p. 7100; 2-53, *Journal*, pp. 128, 441, 443, 445, *Record*, pp. 1792, 6732, 6736; 3-53, *Journal* pp. 91, 92, 105, 110, 111, 114, *Record*, pp. 1517, 1921.

Where a special order provides for the offering of certain specified amendments, none other is allowable either as an independent amendment or as an amendment to one of the specified amendments. (1289, 1290) 1-53, *Journal*, pp. 18, 21, 22.

SPECIAL ORDERS—Continued.**General provisions—Continued.**

Amendments as substitutes for bills considered under special orders.

(1291, 1292) 3-53, *Journal*, pp. 105, 110, 111, 114; 2-55, *Record*, p. 4451.

Effect of the terms of a special order upon motions to adjourn and for a recess. (1272-1276) 2-50, *Journal*, pp. 321, 394, *Record*, pp. 1062, 1400; 2-53, *Journal*, pp. 292, 293, 295, 299, 454, *Record*, pp. 3349, 3403, 6906, 6919, 6920; 3-53, *Journal*, pp. 105, 110, 114.

The motion to commit after the engrossment and third reading and its relation to the terms of special orders. (1277-1279) 2-50, *Record*, pp. 1062, 1401; 3-53, *Journal*, p. 102; 1-55, *Record*, pp. 71, 556.

A day being assigned a committee by a special order for the consideration of such business as it may present, it is in order for the committee to indicate any bill it may please, whether from its own bills, from the Calendar, or from the Speaker's table. (1268) 1-47, *Journal*, p. 1540, *Record*, p. 5349.

A session of the House extending, by failure to adjourn, through the next calendar day, a special order for the latter day falls, as the session is of the legislative and not the calendar day. (1271) 1-50, *Journal*, pp. 1491, 1505, 1506, *Record*, pp. 2749, 2755.

To a proposed special order providing a time for the consideration of one bill, an amendment providing for the consideration of another bill was offered and held not to be germane. (1092) 2-51, *Record*, p. 3268.

While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (1373) 2-53, *Journal*, pp. 563, 564, *Record*, pp. 8469, 8470.

A special order made after the absence of a quorum had been suggested, but before such fact had been ascertained and announced, was decided to be valid. (278) 2-52, *Journal*, p. 33, *Record*, p. 380.

The hour fixed by the rules for a recess having arrived, the Speaker declares the House in recess, although less than a quorum may be present. (277) 1-51, *Journal*, p. 934, *Record*, p. 8352.

Stand aside.

It has been held, although not uniformly, that in cases where the right of a Member-elect to take the oath is challenged, the Speaker may direct the Member to stand aside temporarily, 1-41, *Journal*, p. 7, *Globe*, pp. 6, 13; 1-41, *Journal*, p. 7, *Globe*, p. 6; 1-47, *Record*, pp. 9-13.

STATEMENT.

A conference report is always in order except when the Journal is being read, when the roll is being called, or when the House is dividing; and a statement must accompany each report. (1391) *Rule XXIX*.

SPECIAL ORDERS—Continued.*Relations to Committee of the Whole*—Continued.

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STATEMENT—Continued.

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Whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule is a question for the House and not the Speaker to determine. (1402, 1403) 2-49, *Record*, p. 2437; 3-53, *Journal*, pp. 15, 16.

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Ceremonies at a state funeral. 3-55, *Record*, p. 679.

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Legislation relating to admission of, is under the jurisdiction of the Committee on the Territories. (626) *Rule XI*, section 17.

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STATIONERY.

The Clerk keeps the contingent fund and stationery accounts and pays Members' stationery accounts. (1712) *Rule III*, section 3.

The Clerk contracts for the stationery used by the House. (1714) *Revised Statutes*, sections 66-69.

Stationery for the House and committees is furnished on requisition by the Clerk. (1757) *Revised Statutes*, sections 66-69; 2-40, *Journal*, p. 1173; 28 *Stat. L.*, p. 624.

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The appointment, removal, and supervision of the official reporters are vested in the Speaker. (1678) *Rule XXXVI*, section 1.

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STRIKE OUT, MOTION TO.

The parliamentary law relating to the motions to strike out and insert. (1047) *Jefferson's Manual*, Section XXXI, p. 158.

A paragraph should be perfected by its friends before the question is put on striking it out. (1047) *Jefferson's Manual*, Section XXXI, p. 158.

Motions to amend a paragraph take precedence of motions to strike it out or agree to it, although either of the latter motions may be made first. (1047) *Jefferson's Manual*, Section XXXI, p. 159.

STRIKE OUT, MOTION TO—Continued.

Words once inserted may not be changed or stricken out, but words relating to the same subject may be added to another portion of the paragraph. (1048) *1-19, Journal, p. 794, Debates, p. 1261.*

A motion to strike out and insert certain words being defeated does not preclude a motion to strike out and insert certain other words or prevent the simple motion to strike out. (1047) *Jefferson's Manual, Section XXXV, p. 158.*

A motion to strike out and insert certain words being decided affirmatively, thereby precludes another motion to strike out the words inserted and insert others. (1047) *Jefferson's Manual, Section XXXVI, p. 159.*

Certain words having been inserted in a paragraph, it is in order to move to strike out a portion of the paragraph which includes those words, providing the proposition involved be new; and in place of the portions stricken out in this way new matter may be inserted. (1047) *Jefferson's Manual, Section XXXV, p. 159.*

The motion to strike out and insert is not divisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert. (1044) *Rule XVI, Section 7.*

On a motion to strike out a resolution and insert several connected resolutions the question is not divisible. (1133) *1-31, Globe, p. 1310.*

While a large part of a proposed amendment may be identical with some provisions of the bill already stricken out, yet if, as a whole, it contain matter substantially different from that already voted on it is not necessarily out of order. (1053) *2-48, Journal, p. 191, Record, pp. 533, 534.*

It is in order to move to recommit with instructions to strike out one of several propositions that have been inserted by an amendment agreed to by the House. (1041) *3-53, Journal, pp. 156-158, Record, p. 2729.*

The Senate having amended by striking out, the House may concur with an amendment inserting. (1365) *1-34, Journal, pp. 1427, 1484, 1516, 1518, 1600, 1602, Globe, p. 2037.*

STRIKE OUT ENACTING CLAUSE, MOTION TO.

The rule governing the motion to strike out the enacting clause. (938) *Rule XXIII, section 7.*

The motion to strike out the enacting clause has precedence of the motion to amend. (938) *Rule XXIII, section 7.*

The motion to strike out the enacting clause is debatable according to the more recent practice of the House. (941) *2-47, Record, pp. 60-62.*

A bill being reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out the question of concurrence is debatable in the House and the motion to lay on the table is not in order. (939, 940) *1-43, Journal, p. 629, Record, p. 2342; 2-53, Journal, pp. 21, 22, Record, pp. 120, 121.*

STATEMENT—Continued.

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STRIKE OUT ENACTING CLAUSE, MOTION TO—Continued.

When the House disagrees to the recommendation of the Committee of the Whole that the enacting clause of a bill be stricken out, the bill goes to the first place on the Calendar of the Committee of the Whole. (942) 1-51, *Record*, pp. 2237, 2238.

A special order providing that a bill should be open to amendments in Committee of the Whole was held to prevent a motion to strike out the enacting clause. (1282) 1-55, *Record*, p. 352.

SUBJECT.

In the House the Member must confine himself to the subject under debate. (872-876) 2-18, *Debates*, p. 810; 1-29, *Journal*, pp. 764, 769; 1-48, *Journal*, p. 1014; 2-51, *Journal*, p. 13, *Record*, p. 30; 2-55, *Record*, pp. 1632-1635.

It has generally been held that the Member need not confine himself to the subject during general debate in the Committee of the Whole House on the state of the Union. (883-887) 1-26, *Globe*, pp. 338, 340, 360; 1-27, *Globe*, p. 135; 2-30, *Globe*, pp. 587, 592; 1-31, *Globe*, p. 1475; 1-32, *Globe*, p. 1856.

In general debate in Committee of the Whole House the Member must confine himself to the subject. (888) 2-55, *Record*, pp. 2497-2500.

In debate under the five-minute rule the Member must confine himself to the subject. (889-897) 1-31, *Globe*, pp. 1594, 1596; 1-51, *Record*, p. 3695; 1-52, *Record*, pp. 4689, 4690; 2-54, *Record*, p. 1355; 1-51, *Record*, p. 438; 2-55, *Record*, pp. 2142, 2244, 2245, 2735, 2736, 3226-3236.

While a Member rising to a question of personal privilege may be allowed some latitude in developing the case, yet the rule requiring the Member to confine himself to the subject holds in this case as in other cases. (878, 879) 1-51, *Journal*, pp. 992, 1013, *Record*, pp. 9189, 9191, 9676.

A Member making a statement in a matter of personal privilege should confine his remarks to the matter which concerns himself personally. (905) 1-52, *Journal*, p. 142, *Record*, p. 3213.

SUBPŒNAS.

To be signed by the Speaker. (45) *Rule I*, section 4.

The Clerk attests and affixes the seal of the House to all writs, warrants, and subpœnas. (1712) *Rule III*, section 3.

SUBSTITUTE AMENDMENTS.

Under the rule relating to amendments the following motions are in order: To amend; to amend that amendment; for a substitute; and to amend the substitute. (1043) *Rule XIX*.

It is settled by the practice as well as by the rule of the House that there may be pending with the amendment to the amendment another amendment in the nature of a substitute. (1102) 1-31, *Journal*, pp. 1074, 1075, *Globe*, p. 1328.

SUBSTITUTE AMENDMENT—Continued.

It is in order to move an amendment to the original bill as well as to the substitute reported therefor before the vote is taken on agreeing to the substitute. (1104) 1-49, *Record*, p. 7615.

A substitute may not be voted on until the original matter is perfected. (1043) *Rule XIX*.

An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until after such amendments have been disposed of. (1049) 1-28, *Journal*, p. 807, *Globe*, p. 529.

A new bill may be engrafted by way of amendment on the words "Be it enacted," etc. (1046) *Jefferson's Manual*, Section XXXV, p. 158.

When a bill is read through for amendments under the five-minute rule, a substitute is properly in order after the reading is concluded. (1106) 2-53, *Journal*, p. 485, *Record*, pp. 7547, 7560.

A bill being under consideration in the House as in Committee of the Whole an amendment in the nature of a substitute is in order only after the consideration of the bill by sections has been completed. (807, 808) 2-53, *Journal*, pp. 350, 351, 484, 485, *Record*, pp. 4002, 7560.

When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered under the five-minute rule, the substitute may be moved to the first paragraph, accompanied by a notice that motions will be made to strike out the other paragraphs as they are reached. (1103) 2-46, *Record*, p. 3093.

During consideration of a bill by paragraphs in Committee of the Whole a substitute was offered before all the paragraphs had been read, and as no further amendments had been or were now proposed to the text of the bill, and as the substitute had been debated, it was held to be in order to vote on the substitute. (1105) 2-49, *Record*, p. 1059.

Sometimes by unanimous consent the House allows more than one substitute to be pending at once, in order that a choice may be offered between different propositions. (1107) 2-54, *Record*, pp. 554, 587.

Amendments as substitutes for bills considered under special orders. (1291, 1292) 3-53, *Journal*, pp. 105, 110, 111, 114; 2-55, *Record*, p. 4451.

A disagreement to an amendment in the nature of a substitute having been referred to conferees, it was held to be in order for them to report a new bill on the same subject. (1420) 2-38, *Journal*, p. 414, *Globe*, p. 1402.

An amendment, whether in the nature of a substitute or not, may be withdrawn in the House at any time before an amendment or decision is had thereon. (1043) *Rule XIX*.

SUITES OF FOREIGN MINISTERS.

Have gallery accommodations assigned by the Speaker. (1741) *Rule XXXI*.

VOTING—Continued.*General provisions*—Continued.

If difficulty arise on a point of order during a division, the Speaker decides peremptorily, subject to future censure of the House. (1123)

Jefferson's Manual, Section XLI, p. 170.

Where the House is equally divided the question is lost. (1123) *Jefferson's Manual, Section XLI, pp. 170, 171.*

Attempts to compel Members to vote have resulted unsuccessfully. (1126) *1-24, Journal, p. 580, Globe, p. 265.*

Members under arrest have not been deprived of their right to vote. (1127) *2-53, Journal, pp. 71, 72, Record, pp. 530, 531.*

A motion to reconsider made by a Member supposed to have voted with the prevailing side was treated as a nullity when a correction of the vote showed that the Member really had voted on the side which did not prevail. (234) *1-29, Journal, p. 1032, Globe, p. 1058.*

A Member-elect may be named on a committee, but may not vote until he has taken the oath. (602) *Jefferson's Manual, Section III, p. 112.*

The Delegates from the Territories may not vote. (36) *Revised Statutes, sections 1862, 1863.*

Members may not remain near the Clerk's desk during a roll call. (10) *Rule XIV, section 7.*

Bills, resolutions, orders, and votes passed by the two Houses in concurrence are required by the Constitution to be presented to the President for approval. (452) *Constitution, Article I, section 7.*

It is improper for a Member to have published in the Record the individual votes of Members on a question upon which the yeas and nays have not been entered on the Journal. (104) *2-53, Journal, p. 244, Record, p. 2905.*

By tellers.

The rule for taking the vote by tellers. (46) *Rule I, section 5.*

The parliamentary law provides that a mistake in the report of the tellers may be rectified after it is made. (1123) *Jefferson's Manual, Section XLI, p. 169.*

After the Chair has declared the result of a vote by tellers, he may not order the vote taken again because of alleged irregularities. (1141) *1-29, Globe, p. 347.*

While the proceedings of the House were going on under general parliamentary law, it was held that no rule authorized or required the appointment of tellers. (1152) *1-51, Journal, p. 144, Record, pp. 741-749.*

The right to demand tellers is not waived by the fact that the Member demanding them has just made the point of no quorum and caused the Chair to count the House. (1143) *1-51, Journal, pp. 528, 529, Record, p. 3911.*

VOTING—Continued.**By tellers**—Continued.

Where the vote as announced by tellers shows no quorum and a motion for a call of the House is interjected and voted down, it is customary to take the vote by tellers anew on the original question, instead of continuing the count of additional votes. (1145) 2-52, *Journal*, p. 117, *Record*, p. 2240.

One of two Members named as tellers having declined and a third Member being named and also declining, the Speaker directed the Member who had accepted the appointment to count the vote. (1146) 2-53, *Journal*, pp. 284, 286, 287, *Record*, p. 3340.

In the Committee of the Whole, where the quorum is one hundred, twenty may order tellers. (1144) 1-51, *Record*, pp. 4784, 4786.

Tellers having been ordered and appointed, it is not in order to move that the Committee of the Whole rise until the vote has been announced. (757, 1147) 1-51, *Record*, p. 5315; 2-55, *Record*, p. 605.

By yeas and nays.

Provisions of the Constitution relating to the yeas and nays. (1157) *Constitution*, Article I, section 5, p. 5.

The Constitution provides that at the desire of one-fifth the yeas and nays shall be entered on the Journal. (214) *Constitution*, Article I, section 5, p. 5.

The yeas and nays may not be taken in Committee of the Whole. (742, 743) 1-26, *Globe*, p. 285; 1-28, *Globe*, p. 618.

It is not in order for the Committee of the Whole to arrange for a yeas-and-nays vote to be taken in the House. (756) 2-51, *Record*, p. 3270.

The yeas and nays are admitted while the House is acting as in Committee of the Whole. (802) *Jefferson's Manual*, Section XXX, p. 145.

The House may adjourn after the yeas and nays are ordered and before they are taken. (1492) 2-54, *Record*, p. 2017.

A conference report has precedence of the question on the reference of a bill, even though the yeas and nays have been ordered. (1398) 1-52, *Journal*, p. 263, *Record*, pp. 5774, 5802.

A conference report may be presented after the vote by tellers and pending the question on ordering the yeas and nays. (1399) 1-54, *Record*, p. 5916.

A motion relating to the order of business does not recur as unfinished business on a succeeding day, even though the yeas and nays may have been ordered on it before adjournment. (374) 1-53, *Journal*, p. 88.

By yeas and nays—Demanding and ordering of.

The yeas and nays on any question shall be entered on the Journal at the desire of one-fifth of those present. (1157) *Constitution*, Article I, section 5, p. 5.

VOTING—Continued.*By yeas and nays—Demanding and ordering of*—Continued.

In the earlier practice of the House it was held that less than a quorum might not order the yeas and nays, but for many years the decisions have been uniformly the other way. (1158–1166) 1–32, *Globe*, p. 1220; 3–37, *Globe*, p. 573; 1–45, *Journal*, p. 290, *Record*, pp. 811, 812; 3–46, *Journal*, p. 596, *Record*, p. 2446; 2–50, *Record*, pp. 679, 681; 1–51, *Journal*, pp. 903, 984, *Record*, p. 7861; 1–53, *Journal*, p. 172, *Record*, pp. 3120, 3121; 2–55, *Record*, p. 4744.

The yeas and nays may be called for while a vote by tellers is being taken. (1148) 2–28, *Globe*, p. 121.

The yeas and nays may be demanded while the Speaker is announcing the result of a division. (1149) 1–29, *Globe*, p. 420.

The yeas and nays may be demanded even after the announcement of the vote, if the House has not passed to other business. (1153) 1–31, *Globe*, p. 277.

When a question has passed from the House, the Speaker being in the act of putting the question on another motion, it is too late to demand the yeas and nays. (1154) 1–32, *Journal*, p. 254, *Globe*, p. 371.

It is not in order to repeat a demand for the yeas and nays which has once been refused. (1150–1152, 1227) 1–29, *Globe*, p. 304; 2–30, *Globe*, p. 623; 1–33, *Journal*, p. 939, *Globe*, p. 1323.

The yeas and nays may not be demanded on the seconding of a motion to suspend the rules. (1561) 2–55, *Record*, p. 6172.

The order of the yeas and nays may be reconsidered by a majority vote, but they may be demanded again and ordered by one-fifth. (1225–1229) 1–19, *Journal*, p. 796, *Debates*, pp. 2458, 2490; 1–30, *Journal*, p. 405; *Globe*, p. 344; 2–30, *Globe*, p. 623; 1–45, *Journal*, p. 290, *Record*, pp. 811, 812; 1–54, *Record*, p. 5513.

The roll call.

Upon a roll call the names of the Members are called alphabetically by surname, and after the roll has been once called the names of those not voting are called, after which the Speaker may not entertain a request to record a vote or announce a pair, except in cases where a Member's presence has been noted as a part of a quorum. (1122) *Rule XV*, section 1.

A Member who is listening when his name should be called and fails to hear it is permitted to vote at the end of the roll call, but under other circumstances the Speaker may not entertain a request of a Member to be recorded, even though such Member may have been absent on service of the House. (1185–1187) 2–50, *Record*, p. 2106; 1–54, *Record*, pp. 3140, 6220.

After a roll call is concluded a Member may not record his vote, unless he has been noted as present under section 3 of *Rule XV*. (1122) *Rule XV*, section 1.

VOTING—Continued.*The roll call*—Continued.

A vote by yeas and nays having been without result because of the failure of a quorum, it was held that the question of consideration might not intervene on a succeeding day before the second call of the yeas and nays. (814) 1-51, *Journal*, p. 941, *Record*, p. 8432.

By yeas and nays—Interruption of roll call.

A roll call may not be interrupted for debate, even for the presentation of a case of personal privilege. (1167, 1168) 1-31, *Globe*, p. 1686; 1-51, *Journal*, pp. 936, 937, *Record*, pp. 8345, 8352, 8373.

A roll call may not be interrupted by a motion to adjourn or that further proceedings under a call be dispensed with. (1170) 1-47, *Journal*, pp. 597, 641, *Record*, pp. 1238, 1245, 1366.

A roll call is not interrupted by the arrival of an hour fixed for a recess by rule or prior vote of the House. (1171, 1172) 1-51, *Journal*, p. 934, *Record*, p. 8352; 2-55, *Record*, p. 847.

A roll call may not be interrupted because of the arrival of the time fixed by the rules for another order of business. (1173) 1-52, *Journal*, pp. 61, 62, *Record*, p. 976.

Sometimes the Speaker interrupts a roll call when the hour for adjournment *sine die* arrives. (1523, 1526) 1-28, *Journal*, p. 1175, *Globe*, p. 696; 2-44, *Journal*, p. 698, *Record*, p. 2251.

Instance where a roll call was interrupted to declare the House adjourned *sine die*. (1365) 1-34, *Journal*, pp. 1427, 1484, 1516, 1518, 1600, 1602, *Globe*, p. 2037.

The roll call is interrupted to receive messages. (1449, footnote.)

Change and withdrawal of votes.

Having cast his vote, a Member may not withdraw it without leave of the House. (1177) 2-53, *Journal*, p. 143, *Record*, p. 2003.

Before the result has been finally announced by the Chair a Member may change his vote, but not thereafter. (1174-1176) 2-20, *Journal*, pp. 357, 358; 2-27, *Journal*, p. 263, *Globe*, p. 160; 2-53, *Journal*, p. 143, *Record*, p. 2003.

A Member who has answered "present" on a roll call may change his record to "aye" or "no," but the rule does not permit the Speaker to entertain the request of a Member who has not answered at all to record his vote. (1178) 1-55, *Record*, pp. 1068-1069.

By yeas and nays—Recapitulation.

The recapitulation of a vote is within the discretion of the Speaker, but he usually allows it if the vote is close. (1188, 1189) 2-51, *Journal*, p. 182, *Record*, p. 1832; 1-54, *Record*, pp. 5206, 5207.

After the announcement of the result a vote may be recapitulated only by unanimous consent. (1182) 1-52, *Journal*, pp. 113-115, *Record*, pp. 2548, 2549.

By ballot.

The rule for voting by ballot. (1125) *Rule XL*.

VOTING—Continued.***By yeas and nays—Demanding and ordering of—Continued.***

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VOTING—Continued.**The roll call**—Continued.

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By ballot.

The rule for voting by ballot. (1125) *Rule XL*.

VOTING—Continued.**By ballot**—Continued.

The managers of impeachments, except in the later cases, have been elected by ballot. (1696–1702) 1–5, *Journal*, p. 153 (*Gales & Seaton ed.*); 1–8, *Annals*, p. 796; 2–8, *Journal*, pp. 44, 45; 1–21, *Journal*, p. 591; 2–37, *Journal*, pp. 712, 717; 2–40, *Journal*, pp. 407, 440, 450; 1–44, *Record*, pp. 2081, 2160.

Speaker's vote.

The Speaker is not required to vote, except when his vote would be decisive, and when the House is voting by ballot. (49) *Rule I, section 6.*

Conditions under which the Speaker gave his vote under the old rule of the House. (1179) 2–30, *Journal*, p. 211, *Globe*, p. 172.

Speaker Macon exercised his constitutional right to vote, although the rule forbade it. (50) 1–8, *Journal*, p. 482 (*Gales & Seaton ed.*).

The Speaker has voted when a correction on the day after the roll call has created a condition where his vote became decisive. (51) 2–44, *Journal*, p. 23, *Record*, p. 44.

The Speaker may exercise his right to vote even after the completion of the roll call and the announcement of the result. (52) 1–47, *Journal*, pp. 1674, 1677, *Record*, pp. 6233–6237.

Tie vote.

In cases of a tie vote on an appeal the Chair has voted to sustain his own decision. (1677, footnote) 1–31, *Globe*, p. 1608; 2–55, *Record*, p. 2500.

Division of the question.

On the demand of any Member, before the question is put, a question shall be divided if it include propositions so distinct as to admit of division. (1132) *Rule XVI, section 6.*

An amendment reported from the Committee of the Whole as an entire and distinct proposition may not be divided, but must be voted on as a whole. (1112–1121) 1–28, *Journal*, p. 1061, *Globe*, p. 653; 1–29, *Journal*, pp. 366, 642, *Globe*, pp. 348, 349; 1–30, *Journal*, p. 1059, *Globe*, p. 948; 2–30, *Journal*, p. 574, *Globe*, p. 642; 2–32, *Journal*, p. 401, *Globe*, p. 1149; 2–37, *Journal*, p. 170, *Globe*, p. 305; 2–46, *Journal*, p. 816, *Record*, pp. 1713–1715; 2–51, *Journal*, p. 167; 2–53, *Journal*, pp. 130, 445, *Record*, pp. 1795, 6736, 6737.

On a motion to strike out a resolution and insert several connected resolutions the question is not divisible. (1133) 1–31, *Globe*, p. 1310.

A division of the question is not in order on a motion to commit with instructions or on the different branches of the instructions. (1134–1136) 1–17, *Journal*, p. 507; 1–31, *Journal*, pp. 1395–1397, *Globe*, p. 1756; 1–32, *Journal*, p. 611, *Globe*, p. 1124.

On the votes on the engrossment and third reading and on the passage a division so as to vote separately on various propositions of the bill may not be demanded. (1137) 1–53, *Journal*, pp. 21, 22.

VOTING—Continued.***Division of the question—Continued.***

After the question has been put, it is too late to demand a division.

(1138) 2-53, *Journal*, p. 143, *Record*, p. 2001.

A division of the question may not be demanded after the question has been put and the yeas and nays have been ordered. (1139, 1140)

2-54, *Record*, pp. 1042, 5914.

Pairs.

Pairs are announced after the completion of the roll call from a written list which is published in the *Record*; and pairs are announced but once during the same legislative day. (1124) *Rule VIII, section 2.*

In relation to quorum.

A quorum failing on a division, the matter continues in the state in which it was before the division, and must be resumed at that point at a future day. (240) *Jefferson's Manual, Section XLI, pp. 170, 171.*

Where a quorum fails to vote on a yea-and-nay vote, the order for the yeas and nays remains in force. (1155, 1156) 1-49, *Journal*, pp. 1566, 1885, *Record*, pp. 4342, 5679, 5680; 1-51, *Journal*, p. 998, *Record*, p. 9277.

When, on division, less than a quorum votes, and then tellers on the yeas and nays are refused, it is too late to make the point of no quorum. (269-275) 1-51, *Journal*, p. 856, *Record*, p. 7262; 2-52, *Journal*, p. 58, *Record*, p. 834; 1-53, *Journal*, p. 30; 1-54, *Record*, pp. 3299, 5824; 2-55, *Record*, p. 3863.

A quorum is not necessary on a motion to reconsider the vote whereby the yeas and nays were ordered. (1230) 1-50, *Record*, p. 7546.

It is not necessary that a quorum vote on a question taken by tellers, providing a quorum be present. (243) 1-51, *Journal*, p. 243, *Record*, p. 1415.

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair to take notice of that fact. (254) 1-48, *Journal*, p. 1385.

The yeas and nays may be ordered during a call of the House. (340) 1-46, *Record*, p. 1577.

Members present in custody of the Sergeant-at-Arms have been allowed to vote on a motion to excuse another Member. (329) 1-52, *Journal*, pp. 167, 168, *Record*, pp. 3762, 3768, 3770.

On a motion for a call of the House a motion to excuse a Member from voting was held not in order, although the rule at that time permitted the motion. (306) 1-31, *Journal*, p. 1538, *Globe*, p. 1970.

Members present and not voting may be counted as part of the quorum required by the Constitution. (242) 1-51, *Journal*, pp. 175-177, *Record*, pp. 949-960, 979-993.

The rule for counting Members not voting in determining the presence of a quorum. (241) *Rule XV, section 3.*

A Member noted as present under section 3 of Rule XV may be allowed to vote. (247) 2-55, *Record*, p. 6555.

VOTING—Continued.**By ballot**—Continued.

The managers of impeachments, except in the later cases, have been elected by ballot. (1696–1702) 1–5, *Journal*, p. 153 (*Gales & Seaton ed.*); 1–8, *Annals*, p. 796; 2–8, *Journal*, pp. 44, 45; 1–21, *Journal*, p. 591; 2–37, *Journal*, pp. 712, 717; 2–40, *Journal*, pp. 407, 440, 450; 1–44, *Record*, pp. 2081, 2160.

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A quorum failing on a division, the matter continues in the state in which it was before the division, and must be resumed at that point at a future day. (240) *Jefferson's Manual, Section XLI, pp. 170, 171.*

Where a quorum fails to vote on a yeas-and-nays vote, the order for the yeas and nays remains in force. (1155, 1156) 1-49, *Journal*, pp. 1566, 1885, *Record*, pp. 4342, 5679, 5680; 1-51, *Journal*, p. 998, *Record*, p. 9277.

When, on division, less than a quorum votes, and then tellers on the yeas and nays are refused, it is too late to make the point of no quorum. (269-275) 1-51, *Journal*, p. 856, *Record*, p. 7262; 2-52, *Journal*, p. 58, *Record*, p. 834; 1-53, *Journal*, p. 30; 1-54, *Record*, pp. 3299, 5824; 2-55, *Record*, p. 3863.

A quorum is not necessary on a motion to reconsider the vote whereby the yeas and nays were ordered. (1230) 1-50, *Record*, p. 7546.

It is not necessary that a quorum vote on a question taken by tellers, providing a quorum be present. (243) 1-51, *Journal*, p. 243, *Record*, p. 1415.

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair to take notice of that fact. (254) 1-48, *Journal*, p. 1385.

The yeas and nays may be ordered during a call of the House. (340) 1-46, *Record*, p. 1577.

Members present in custody of the Sergeant-at-Arms have been allowed to vote on a motion to excuse another Member. (329) 1-52, *Journal*, pp. 167, 168, *Record*, pp. 3762, 3768, 3770.

On a motion for a call of the House a motion to excuse a Member from voting was held not in order, although the rule at that time permitted the motion. (306) 1-31, *Journal*, p. 1538, *Globe*, p. 1970.

Members present and not voting may be counted as part of the quorum required by the Constitution. (242) 1-51, *Journal*, pp. 175-177, *Record*, pp. 949-960, 979-993.

The rule for counting Members not voting in determining the presence of a quorum. (241) *Rule XV, section 3.*

A Member noted as present under section 3 of Rule XV may be allowed to vote. (247) 2-55, *Record*, p. 6555.

VOTING—Continued.*In relation to quorum*—Continued.

The rule whereby a quorum is obtained and the vote taken on the pending proposition by one roll call. (287) *Rule XV, section 4.*

Interpretations of section 4 of Rule XV by the Speaker. (288-296) *1-54, Record, pp. 4915, 6330; 2-54, Record, pp. 152, 1132, 1042, 1658, 1858, Journal, p. 175; 2-55, Record, pp. 5304, 6247.*

Members answering "present" on a call under section 4 of Rule XV may be allowed to vote before the result is announced. (289) *1-54, Record, p. 6330.*

A quorum having failed to vote on a motion to adjourn and the motion not being carried, a case is not presented for the use of section 4 of Rule XV. (288) *1-54, Record, p. 4915.*

Errors in.

It is the right of a Member to have an erroneous record of his vote corrected after the announcement of the result. (1181, 1182) *1-38, Journal, pp. 586, 587, Globe, p. 1941; 1-52, Journal, pp. 113-115, Record, pp. 2548, 2549.*

When a Member's vote is incorrectly recorded, it is his right on the next day, while the Journal is before the House for approval, to have the proper correction made. (1179) *2-30, Journal, p. 211, Globe, p. 172.*

A Member may not have the record of his vote changed in the Journal upon the statement that he voted upon a misapprehension of the question, and a motion relating thereto is not privileged. (1180) *1-31, Journal, p. 1266, Globe, p. 1577.*

A vote having been erroneously announced in such a way as to change the true result, subsequent proceedings in connection therewith fall and the Journal is amended accordingly. (1184) *1-31, Journal, p. 1436, Globe, pp. 782, 783.*

Where by an error of the Clerk in reporting the yeas and nays the Speaker announces a result different from that shown by the roll, the status of the question must be determined by the vote as actually recorded. (1183) *1-49, Record, pp. 7545, 7546.*

The House having voted to approve the Journal of the preceding day, a resolution relating to an alleged error in a vote of that day was decided not to present a question of privilege. (197) *2-51, Journal, p. 283, Record, p. 3083.*

Disqualifying personal interest.

Rules relating to. (8, 9) *Jefferson's Manual, Section XVII, pp. 132, 133; Rule VIII, section 1.*

A disqualifying interest is such as affects the Member individually as distinct from a class. It does not operate on questions incidental to the subject, and the Member himself is usually left to judge as to whether or not he is disqualified for voting. (1129-1131) *1-26, Journal, pp. 1283, 1300, Globe, p. 511; 1-26, Journal, pp. 1283, 1300; 1-43, Journal, pp. 771, 772, Record, pp. 3019, 3020; 2-44, Record, p. 2132.*

VOTING—Continued.**On vetoed bills.**

The two-thirds vote required for the passage of a vetoed bill is construed to mean two-thirds of those present. (1470, 1471) *1-34, Journal*, pp. 1176, 1178, 1420, *Globe*, pp. 1183, 2036.

The Constitution provides that orders, resolutions, and votes passed in concurrence by the two Houses and disapproved by the President shall be repassed by a two-thirds vote. (452) *Constitution, Article I, section 7, p. 6.*

The vote upon a bill returned with the President's objections is in all cases by yeas and nays. (1157) *Constitution, Article I, section 7, p. 6.*

The electoral vote.

The law relating to counting the electoral vote. (1766) *24 Stat. L.*, p. 373.

Preparations for the counting of the electoral vote. (1767) *2-54, Record*, p. 1462.

Elections by the House.

The Speaker is elected by a viva voce vote. (56) *1-35, Journal*, p. 8. Certain other officers of the House are elected by viva voce vote. (1704) *Rule II.*

After a long contest over the election of a Speaker the difficulty was finally solved by the adoption of a plurality rule, the election being subsequently confirmed by a majority vote. (4, 5) *1-31, Journal*, pp. 156, 163, 164; *1-34, Globe*, p. 336.

Rules for the election of a President by the House. (1768) *2-18, Journal*, pp. 213, 215, 220, 222.

Amendment to the Constitution.

The vote required on a resolution proposing an amendment to the Constitution is two-thirds of a quorum, not two-thirds of the entire membership. (1128) *2-55, Record*, p. 4826.

WAR.

Declarations of war. (1772) *2-55, Record*, 4252; *2 Stat. L.*, p. 755; *9 Stat. L.*, p. 9.

WAR CLAIMS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (640) *Rule X, Rule XI, section 32.*

WARRANTS.

To be signed by the Speaker. (45) *Rule I, section 4.*

The Clerk attests and affixes the seal of the House to all writs, warrants, and subpoenas. (1712) *Rule III, section 3.*

WAYS AND MEANS, COMMITTEE ON.

Its powers, duties, jurisdiction, number of members, and history. (611) *Rule X, Rule XI, section 2.*

Committee has leave to report at any time on certain measures. (398) *Rule XI, section 59.*

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646 WAYS AND MEANS—WITHDRAWAL.

WAYS AND MEANS, COMMITTEE ON—Continued.

The right to report at any time a bill raising revenue belongs alone to the Ways and Means Committee. (404) *1-49, Record, pp. 7331, 7332.*

The words "raising revenue" in the rule giving privilege to the Ways and Means Committee is broadly construed to cover bills relating to the revenue. (408) *2-55, Record, p. 4581.*

WEIGHTS.

Subjects relating to, belong to the jurisdiction of the Committee on Coinage, Weights, and Measures. (615) *Rule XI, section 6.*

WITHDRAWAL.

Of motions.

A Member may withdraw or modify his motion at any time before there has been a decision upon it, such as the adoption of an amendment or the ordering of the previous question. (935, 936) *1-51, Journal, p. 1041, Record, p. 10105; 1-52, Journal, p. 144, Record, pp. 3299-3301.*

A motion shall be reduced to writing on the demand of any Member, and shall be entered on the Journal, with the name of the Member making it, unless withdrawn on the same day. (922) *Rule XVI, section 1.*

All motions shall be stated by the Speaker or read by the Clerk, and shall then be in possession of the House, but may be withdrawn before a decision or amendment. (923) *Rule XVI, section 2.*

The motion that the Committee of the Whole rise may be withdrawn at any time before the decision thereon is announced. (930) *1-31, Globe, p. 318.*

A motion on which the yeas and nays have been ordered may not be withdrawn. (934) *2-53, Journal, pp. 323, 324, Record, pp. 3630, 3683.*

A motion which the House has decided not to lay on the table may not be withdrawn, since the House has indicated a purpose to proceed with it. (931) *2-46, Journal, p. 842, Record, pp. 1807, 1808.*

The motion to reconsider may be made on the same or succeeding day, and after the said succeeding day may not be withdrawn, and thereafter any Member may call it up; but in the last six days of a session the motion must be disposed of when made. (1190) *Rule XVIII, section 1.*

The previous question having been ordered on a motion and then reconsidered, both the motion for the previous question and the original motion may be withdrawn. (937) *2-53, Journal, p. 345, Record, p. 3911.*

A motion to suspend the rules may be withdrawn at any time before a second is ordered. (1596) *1-53, Journal, pp. 174, 175, Record, p. 3127.*

Of amendments.

An amendment, whether in the nature of a substitute or not, may be withdrawn in the House at any time before an amendment or decision is had thereon. (1043) *Rule XIX.*

WITHDRAWAL—Continued.

Of amendments—Continued.

During consideration of a bill in the House, as in Committee of the Whole, an amendment may be withdrawn at any time before action has been had on it. (809) 2-55, *Record*, p. 2440.

After general debate is closed by order of the House in Committee of the Whole, amendments are offered, debated, and amended under the five-minute rule, and an amendment once offered may be withdrawn only by unanimous consent. (913) *Rule XXIII*, section 5.

A motion to amend having been made and the previous question having been moved and seconded, the amendment may not be modified, corrected, or changed except by unanimous consent. (926) 1-28, *Journal*, p. 811, *Globe*, p. 530.

A motion to amend may not be withdrawn after the previous question is ordered. (932) 1-51, *Journal*, p. 550, *Record*, pp. 4026, 4061.

Of bills and reports.

A bill presented by a committee under the call of committees may be withdrawn by authority of the committee. (463) 2-54, *Journal*, p. 77, *Record*, pp. 740, 764.

A Member having presented a joint resolution on his own motion, was permitted to withdraw it, although the House was dividing on a demand for the previous question. (929) 2-29, *Journal*, p. 241, *Globe*, p. 272.

The report of a committee having been made to the House may not be withdrawn except by unanimous consent. (703) 1-49, *Journal*, p. 442.

According to the later practice, where the rules are suspended to enable a Member to submit a particular proposition, if he withdraw it another Member may not renew it. (1584, 1585) 1-23, *Journal*, p. 631; 2-36, *Journal*, pp. 131, 140, *Globe*, pp. 233, 235, 244.

A committee which has presented a bill on which a second has not yet been ordered may withdraw it on a succeeding suspension day. (1574) 2-51, *Journal*, p. 55, *Record*, pp. 488, 489.

A Member who has, by unanimous consent, presented a bill, may withdraw it while the House is dividing on an appeal from a decision relating to a proposed amendment. 3-55, *Record*, pp. 270, 271.

On a motion to suspend the rules as on other motions a Member has the right to modify a proposition submitted by him at any time before action which places it within the control of the House. (1595) 1-50, *Journal*, pp. 2716, 2722, *Record*, p. 8232.

Of appeals.

The ordering of the yeas and nays upon a motion to lay an appeal on the table was held to be such a "decision" by the House as would prevent, under the rule, the withdrawal of the appeal. (933) 1-51, *Journal*, pp. 770-772, *Record*, p. 6353.

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WITHDRAWAL—Continued.*Of appeals*—Continued.

It has been held that an appeal does not fail by reason of the withdrawal of the proposition on which it is based. (1584) 1-23, *Journal*, p. 631. But the more recent practice is the other way. (928) 1-26, *Journal*, p. 57, *Globe*, pp. 51, 52; 3-55, *Record*, pp. 270, 271.

A motion having been presented and a point of order in relation to it having been decided, an appeal was taken and the previous question was ordered on the appeal. Thereupon the original motion was withdrawn, and all the proceedings incident to it fell. (928) 1-26, *Journal*, p. 57, *Globe*, pp. 51, 52.

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The point of no quorum may not be withdrawn after the absence of a quorum has been ascertained and announced by the Chair. (263, 264) 2-54, *Record*, p. 1077; 2-55, *Record*, pp. 4529, 4530.

Of a vote.

Having cast his vote, a Member may not withdraw it without leave of the House. (1177) 2-53, *Journal*, p. 143, *Record*, p. 2003.

Of papers.

Except in certain cases, no paper presented to the House shall be withdrawn from the files without leave of the House. (1752) *Res.* XXXIX.

The House usually allows withdrawal of papers only in cases where there has been no adverse report. (1753) 1-54, *Record*, pp. 91, 92.

No officer or employee of the House should produce papers of the House before a court without permission of the House. (1754) 1-46, *Journal*, p. 186.

WITNESSES.

Questions of privilege have frequently arisen over the failure or refusal of witnesses to appear before committees of the House, or their refusal to testify when they have appeared. (170-175) 2-33, *Journal*, p. 315; 3-34, *Journal*, p. 241, *Globe*, p. 356; 1-35, *Journal*, pp. 258, 371, 750, 821, *Globe*, pp. 684, 715, 1240; 2-35, *Journal*, pp. 411, 430, 451; 3-40, *Journal*, pp. 226, 250, *Globe*, pp. 687, 720.

A citizen who declined to testify concerning a betrayal of the secrets of the House was committed to the custody of the Sergeant-at-Arms. (159) 1-12, *Journal*, pp. 276, 277, 288, *Annals*, p. 1266.

A resolution relating to a recalcitrant witness imprisoned by order of the House presents a question of privilege. (172) 1-35, *Journal*, p. 821, *Globe*, pp. 684, 715, 1240.

It was decided in the case of *Kilbourn v. Thompson* that the House has no general power to punish for contempt. (176) 193 *U. S.*, 168.

Case of Wolcott certified to district attorney. (172) 1-35, *Journal*, p. 821, *Globe*, pp. 684, 715, 1240.

WITNESSES—Continued.

Witnesses are summoned in pursuance and by virtue of the authority conferred upon a committee to send for persons and papers (1778) *1-35, Journal, p. 175, Globe, p. 304.*

Oaths to witnesses may be administered by Speaker, Chairman of Committee of the Whole, chairmen of select or standing committees, or by Members. (1709) *Revised Statutes, section 101; 23 Stat. L., p. 60.*

The Chairman of the Committee of the Whole may administer oaths to witnesses in any case under its examination. (724, footnote) *Revised Statutes, section 101.*

The rule for paying witnesses. (1777) *Rule XXXVII.*

The statutes relating to witnesses. (1779) *Revised Statutes, sections 101-104, 859; 19 Stat. L., p. 41; 20 Stat. L., p. 278; 23 Stat. L., p. 60.*

WORDS TAKEN DOWN.

When a Member is called to order for words spoken in debate the words are to be taken down at once, before further debate or business has intervened. (899) *Rule XIV, section 5.*

The demand that disorderly words be taken down must be made at once, before debate intervenes. (901) *1-51, Journal, p. 994, Record, p. 9234.*

Disorderly words not having been taken down when uttered, it was held not in order to recur to them for the purpose of administering censure. (900) *2-37, Journal, p. 610.*

The words of a Member having been taken down and the Speaker having decided that they were not in order, it was held that a motion that the Member be permitted to explain had precedence of a motion that he be permitted to proceed in order. (902) *2-53, Journal, p. 132, Record, p. 1811.*

Disorderly words spoken in Committee of the Whole are written down, but the committee can only report them to the House. (1627) *Jefferson's Manual, section XVII, p. 132.*

The Committee of the Whole having risen and reported disorderly language used by a Member, a resolution of censure was held to be in order without a prior decision by the Speaker that the remarks were in fact against order. (1635) *1-51, Journal, pp. 623-625, Record, pp. 4861, 4862, 4868, 4876.*

WRITS.

To be signed by the Speaker. (45) *Rule I, section 4.*

The Clerk attests and affixes the seal of the House to all writs, warrants, and subpoenas. (1712) *Rule III, section 3.*

YEAS AND NAYS.

Demanding and ordering of.

Provisions of the Constitution relating to the yeas and nays. (1157) *Constitution, Article I, section 5, p. 5.*

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No officer or employee of the House should produce papers of the House before a court without permission of the House. (1754) *1-46, Journal, p. 186*.

WITNESSES.

Questions of privilege have frequently arisen over the failure or refusal of witnesses to appear before committees of the House, or their refusal to testify when they have appeared. (170-175) *2-33, Journal, p. 315; 3-34, Journal, p. 241, Globe, p. 356; 1-35, Journal, pp. 258, 371, 750, 821, Globe, pp. 684, 715, 1240; 2-35, Journal, pp. 411, 430, 451; 3-40, Journal, pp. 226, 250, Globe, pp. 687, 720*.

A citizen who declined to testify concerning a betrayal of the secrets of the House was committed to the custody of the Sergeant-at-Arms. (159) *1-12, Journal, pp. 276, 277, 288, Annals, p. 1266*.

A resolution relating to a recalcitrant witness imprisoned by order of the House presents a question of privilege. (172) *1-35, Journal, p. 821, Globe, pp. 684, 715, 1240*.

It was decided in the case of *Kilbourn v. Thompson* that the House has no general power to punish for contempt. (176) *193 U. S., 168*.

Case of Wolcott certified to district attorney. (172) *1-35, Journal, p. 821, Globe, pp. 684, 715, 1240*.

WITNESSES—Continued.

Witnesses are summoned in pursuance and by virtue of the authority conferred upon a committee to send for persons and papers (1778) *1-35, Journal, p. 175, Globe, p. 304.*

Oaths to witnesses may be administered by Speaker, Chairman of Committee of the Whole, chairmen of select or standing committees, or by Members. (1709) *Revised Statutes, section 101; 23 Stat. L., p. 60.*

The Chairman of the Committee of the Whole may administer oaths to witnesses in any case under its examination. (724, footnote) *Revised Statutes, section 101.*

The rule for paying witnesses. (1777) *Rule XXXVII.*

The statutes relating to witnesses. (1779) *Revised Statutes, sections 101-104, 859; 19 Stat. L., p. 41; 20 Stat. L., p. 278; 23 Stat. L., p. 60.*

WORDS TAKEN DOWN.

When a Member is called to order for words spoken in debate the words are to be taken down at once, before further debate or business has intervened. (899) *Rule XIV, section 5.*

The demand that disorderly words be taken down must be made at once, before debate intervenes. (901) *1-51, Journal, p. 994, Record, p. 9234.*

Disorderly words not having been taken down when uttered, it was held not in order to recur to them for the purpose of administering censure. (900) *2-37, Journal, p. 610.*

The words of a Member having been taken down and the Speaker having decided that they were not in order, it was held that a motion that the Member be permitted to explain had precedence of a motion that he be permitted to proceed in order. (902) *2-53, Journal, p. 132, Record, p. 1811.*

Disorderly words spoken in Committee of the Whole are written down, but the committee can only report them to the House. (1627) *Jefferson's Manual, section XVII, p. 132.*

The Committee of the Whole having risen and reported disorderly language used by a Member, a resolution of censure was held to be in order without a prior decision by the Speaker that the remarks were in fact against order. (1635) *1-51, Journal, pp. 623-625, Record, pp. 4861, 4862, 4868, 4876.*

WRITS.

To be signed by the Speaker. (45) *Rule I, section 4.*

The Clerk attests and affixes the seal of the House to all writs, warrants, and subpoenas. (1712) *Rule III, section 3.*

YEAS AND NAYS.*Demanding and ordering of.*

Provisions of the Constitution relating to the yeas and nays. (1157) *Constitution, Article I, section 5, p. 5.*

YEAS AND NAYS—Continued.*Demanding and ordering of—Continued.*

The yeas and nays on any question shall be entered on the Journal at the desire of one-fifth of those present. (1157) *Constitution, Article I, section 5, p. 5.*

The yeas and nays may be ordered during a call of the House. (340) *1-46, Record, p. 1577.*

The yeas and nays may be demanded while the Speaker is announcing the result of a division. (1149) *1-29, Globe, p. 420.*

The yeas and nays may be called for while a vote by tellers is being taken. (1148) *2-28, Globe, p. 121.*

The yeas and nays may be demanded even after the announcement of the vote if the House has not passed to other business. (1153) *1-31, Globe, p. 277.*

When a question has passed from the House, the Speaker being in the act of putting the question on another motion, it is too late to demand the yeas and nays. (1154) *1-32, Journal, p. 254; Globe, p. 371.*

The constitutional right of a Member to demand the yeas and nays may not be overruled as dilatory. (1625) *2-55, Record, p. 847.*

It is not in order to repeat a demand for the yeas and nays which has once been refused. (1150-1152, 1227) *1-29, Globe, p. 304; 2-30, Globe, p. 623; 1-33, Journal, p. 939; Globe, p. 1323.*

The roll call.

Upon a roll call the names of the Members are called alphabetically by surname, and after the roll has been once called the names of those not voting are called, after which the Speaker may not entertain a request to record a vote or announce a pair, except in cases where a Member's presence has been noted as part of a quorum. (1122) *Rule XVI, section 1.*

A Member who is listening when his name should be called and fails to hear it is permitted to vote at the end of the roll call, but under other circumstances the Speaker may not entertain a request of a Member to be recorded, even though such Member may have been absent on service of the House. (1185-1187) *2-50, Record, p. 2106; 1-54, Record, pp. 3140, 6220.*

A Member who has answered "present" on a roll call may change his record to "aye" or "no," but the rule does not permit the Speaker to entertain the request of a Member who has not answered at all to record his vote. (1178) *1-55, Record, pp. 1068, 1069.*

The names of those not voting are entered on the Journal by custom, but it is not required. There is a question as to whether they must be read if required. (219, 1122) *1-51, Journal, p. 994, Record, p. 9230;*

Interruption of roll call.

A roll call may not be interrupted for debate, even for the presentation of a case of personal privilege. (1167, 1168) *1-31, Globe, p. 1686; 1-51, Journal, pp. 936, 937, Record, pp. 8345, 8352, 8373.*

YEAS AND NAYS—Continued.**Interruption of roll call**—Continued.

The motion to adjourn may not be received while the House is engaged in voting. (1487) *Jefferson's Manual*, Section XXXIII, p. 148.

A roll call may not be interrupted by a motion to adjourn, or that further proceedings under a call be dispensed with. (1170) 1-47, *Journal*, pp. 597, 641, *Record*, pp. 1238, 1245, 1366.

A roll call is not interrupted by the arrival of an hour fixed for a recess by rule or prior vote of the House. (1171, 1172) 1-51, *Journal*, p. 934, *Record*, p. 8352; 2-55, *Record*, p. 847.

A roll call may not be interrupted because of the arrival of the time fixed by the rules for another order of business. (1173) 1-52, *Journal*, pp. 61, 62, *Record*, p. 976.

A conference report, though highly privileged, is not in order during a roll call or while the House is dividing. (1391) *Rule XXXIX*.

Sometimes the Speaker interrupts a roll call when the hour for adjournment *sine die* arrives. (1523, 1526) 1-28, *Journal*, p. 1175, *Globe*, p. 696; 2-44, *Journal*, p. 698, *Record*, p. 2251.

The roll call is interrupted for the reception of messages. (1449, footnote.)

Instance where a roll call was interrupted to declare the House adjourned *sine die*. (1365) 1-34, *Journal*, pp. 1427, 1484, 1516, 1518, 1600, 1602, *Globe*, p. 2037.

Recapitulation of.

The recapitulation of a vote is within the discretion of the Speaker, but he usually allows it if the vote be close. (1188, 1189) 2-51, *Journal*, p. 182, *Record*, p. 1832; 1-54, *Record*, pp. 5206, 5207.

After the announcement of the result a vote may be recapitulated only by unanimous consent. (1182) 1-52, *Journal*, pp. 113-115, *Record*, pp. 2548, 2549.

Effect of, when ordered.

A motion on which the yeas and nays have been ordered may not be withdrawn. (934) 2-53, *Journal*, pp. 323, 324, *Record*, pp. 3630, 3683.

The ordering of the yeas and nays upon a motion to lay an appeal on the table was held to be such a "decision" by the House as would prevent the withdrawal of the appeal. (933) 1-51, *Journal*, pp. 770-772, *Record*, p. 6353.

A division of the question may not be demanded after the question has been put and the yeas and nays have been ordered. (1139, 1140) 1-54, *Record*, p. 5914; 2-54, *Record*, p. 1042.

After the yeas and nays have been ordered on the passage of a bill, it is too late to demand the reading of the engrossed bill. (473) 1-52, *Journal*, p. 225.

YEAS AND NAYS—Continued.*Demanding and ordering of—Continued.*

The yeas and nays on any question shall be entered on the Journal at the desire of one-fifth of those present. (1157) *Constitution, Article I, section 5, p. 5.*

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Recapitulation of.

The recapitulation of a vote is within the discretion of the Speaker, but he usually allows it if the vote be close. (1188, 1189) *2-51, Journal, p. 182, Record, p. 1832; 1-54, Record, pp. 5206, 5207.*

After the announcement of the result a vote may be recapitulated only by unanimous consent. (1182) *1-52, Journal, pp. 113-115, Record, pp. 2548, 2549.*

Effect of, when ordered.

A motion on which the yeas and nays have been ordered may not be withdrawn. (934) *2-53, Journal, pp. 323, 324, Record, pp. 3630, 3683.*

The ordering of the yeas and nays upon a motion to lay an appeal on the table was held to be such a "decision" by the House as would prevent the withdrawal of the appeal. (933) *1-51, Journal, pp. 770-772, Record, p. 6353.*

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After the yeas and nays have been ordered on the passage of a bill, it is too late to demand the reading of the engrossed bill. (473) *1-52, Journal, p. 225.*

YEAS AND NAYS—Continued.*Effect of, when ordered*—Continued.

A motion relating to the order of business does not recur as unfinished business on a succeeding day, even though the yeas and nays may have been ordered on it before adjournment. (374) 1-53, *Journal*, p. 88.

In relation to quorum.

Where a quorum fails to vote on a yea-and-nay vote, the order for the yeas and nays remains in force. (1155, 1156) 1-49, *Journal*, pp. 1566, 1885, *Record*, pp. 4342, 5679, 5680; 1-51, *Journal*, p. 998, *Record*, p. 9277.

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair to take notice of that fact. (254) 1-48, *Journal*, p. 1385.

When on division less than a quorum votes, and then tellers or the yeas and nays are refused, it is too late to make the point of no quorum. (269-275) 1-51, *Journal*, p. 856, *Record*, p. 7262; 2-52, *Journal*, pp. 53, 58, *Record*, p. 834; 1-53, *Journal*, p. 30; 1-54, *Record*, pp. 3299, 5824; 2-55, *Record*, p. 3863.

A vote by yeas and nays having been without result because of the failure of a quorum, it was held that the question of consideration might not intervene on a succeeding day before the second call of the yeas and nays. (814) 1-51, *Journal*, p. 941, *Record*, p. 8432.

In the earlier practice of the House it was held that less than a quorum might not order the yeas and nays, but for many years the decisions have been uniformly the other way. (1158-1166) 1-32, *Globe*, p. 1220; 3-37, *Globe*, p. 573; 1-45, *Journal*, p. 290, *Record*, pp. 811, 812; 3-46, *Journal*, p. 596, *Record*, p. 2446; 2-50, *Record*, pp. 679, 681; 1-51, *Journal*, p. 903, 984, *Record*, p. 7861; 1-53, *Journal*, p. 172, *Record*, pp. 3120, 3121; 2-55, *Record*, p. 4744.

Interpretations by the Speaker of section 4 of Rule XV. (288-296) 1-54, *Record*, pp. 4915, 6330; 2-54, *Journal*, p. 175, *Record*, pp. 152, 1042, 1132, 1658, 1858; 2-55, *Record*, pp. 5304, 6247.

Reconsideration of.

The order of the yeas and nays may be reconsidered by a majority vote, but they may be demanded again and ordered by one-fifth. (1225-1229) 1-19, *Journal*, p. 796, *Debates*, pp. 2458, 2490; 1-30, *Journal*, p. 405, *Globe*, p. 344; 2-30, *Globe*, p. 623; 1-45, *Journal*, p. 290, *Record*, pp. 811, 812; 1-54, *Record*, p. 5318.

A quorum is not necessary on a motion to reconsider the vote whereby the yeas and nays were ordered. (1230) 1-50, *Record*, p. 7546.

Decisions as to demanding the yeas and nays on motions relating to a reconsideration of an order of the yeas and nays. (1228, 1229) 1-45, *Journal*, p. 290, *Record*, pp. 811, 812; 1-54, *Record*, p. 5318.

YEAS AND NAYS—Continued.**Relation to Committee of the Whole.**

The yeas and nays may not be taken in Committee of the Whole.

(742, 743) *1-26, Globe, p. 285; 1-28, Globe, p. 618.*

It is not in order for the Committee of the Whole to arrange for a yeas-and-nays vote to be taken in the House. (756) *2-51, Record, p. 3270.*

Admitted while the House is acting "as in Committee of the Whole." (802) *Jefferson's Manual, Section XXX, p. 145.*

Correction of errors.

It is the right of a Member to have an erroneous record of his vote corrected after the announcement of the result. (1181, 1182) *1-38, Journal, pp. 586, 587, Globe, p. 1941; 1-52, Journal, pp. 113-115, Record, pp. 2548, 2549.*

When a Member's vote is incorrectly recorded it is his right on the next day, while the Journal is before the House for approval, to have the proper correction made. (1179) *2-30, Journal, p. 211, Globe, p. 172.*

A Member may not have the record of his vote changed in the Journal upon the statement that he voted upon a misapprehension of the question, and a motion relating thereto is not privileged. (1180) *1-31, Journal, p. 1266, Globe, p. 1577.*

Where by an error of the Clerk in reporting the yeas and nays the Speaker announces a result different from that shown by the roll, the status of the question must be determined by the vote as actually recorded. (1183) *1-49, Record, pp. 7545, 7546.*

General provisions.

A conference report may be presented after the vote by tellers and pending the question on ordering the yeas and nays. (1399) *1-54, Record, p. 5916.*

A conference report has precedence of the question on the reference of a bill, even though the yeas and nays had been ordered. (1398) *1-52, Journal, p. 263, Record, pp. 5774, 5802.*

The House may adjourn after the yeas and nays are ordered and before they are taken. (1492) *2-54, Record, p. 2017.*

Ordering the yeas and nays is such intervening business as to justify a repetition of the motion to adjourn. (1499) *1-50, Record, pp. 2713, 2714.*

The vote upon a bill returned with the President's objections is in all cases by yeas and nays. (1157) *Constitution, Article I, section 5, p. 6.*

To become a law a vetoed bill must receive, on reconsideration, a two-thirds vote, the yeas and nays of which must be entered on the Journal. (1466) *Constitution, Article I, section 7, p. 6.*

The yeas and nays may not be demanded on the seconding of a motion to suspend the rules. (1561) *2-55, Record, p. 6172.*

YEAS AND NAYS—Continued.*Effect of, when ordered*—Continued.

A motion relating to the order of business does not recur as unfinished business on a succeeding day, even though the yeas and nays may have been ordered on it before adjournment. (374) 1-53, *Journal*, p. 88.

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YIELDING THE FLOOR.

While a Member is occupying the floor he may yield it to another for explanation of the pending measure, as well as for personal explanation. (850, 851) 1-32, *Journal*, p. 524, *Globe*, p. 911; 2-33, *Globe*, p. 815.

A Member having the floor in Committee of the Whole may yield to another Member to move that the committee rise without losing his right to occupy the floor at the next sitting. (846, 847) 1-31, *Globe*, pp. 340, 358; 2-31, *Globe*, p. 645.

A Member who yields the floor to another to offer an amendment loses his right to reoccupy it. (854) 1-26, *Journal*, p. 248, *Globe*, pp. 153, 154.

It has been held that under general parliamentary law a Member who yields the floor yields it entirely and may not resume it. (852, 853) 1-51, *Journal*, p. 209, *Record*, pp. 955, 1010, 1146.

When a Member yields of his time, but retains control of the floor, an amendment may not be offered in the yielded time without his consent. (855) 2-54, *Record*, p. 2208.

A Member who receives time from another may yield of it to a third only with the consent of the first. (856, 857) 2-54, *Record*, p. 1995; 2-55, *Record*, p. 1632.

The time of a debate having been divided and assigned to the control of the two sides, it must be assigned to Members in accordance with the rules, no Member being allowed more than one hour. (848, 849) 1-54, *Record*, p. 5199; 2-54, *Record*, pp. 462, 465.

Members may not yield time during the five-minute debate. (858, 859) 1-51, *Record*, p. 4662; 1-55, *Record*, p. 481.¹



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A Member having the floor in Committee of the Whole may yield to another Member to move that the committee rise without losing his right to occupy the floor at the next sitting. (846, 847) 1-31, *Globe*, pp. 340, 358; 2-31, *Globe*, p. 645.

A Member who yields the floor to another to offer an amendment loses his right to reoccupy it. (854) 1-26, *Journal*, p. 248, *Globe*, pp. 153, 154.

It has been held that under general parliamentary law a Member who yields the floor yields it entirely and may not resume it. (852, 853) 1-51, *Journal*, p. 209, *Record*, pp. 955, 1010, 1146.

When a Member yields of his time, but retains control of the floor, an amendment may not be offered in the yielded time without his consent. (855) 2-54, *Record*, p. 2208.

A Member who receives time from another may yield of it to a third only with the consent of the first. (856, 857) 2-54, *Record*, p. 1995; 2-55, *Record*, p. 1632.

The time of a debate having been divided and assigned to the control of the two sides, it must be assigned to Members in accordance with the rules, no Member being allowed more than one hour. (848, 849) 1-54, *Record*, p. 5199; 2-54, *Record*, pp. 462, 465.

Members may not yield time during the five-minute debate. (858, 859) 1-51, *Record*, p. 4662; 1-55, *Record*, p. 481.¹







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